California Journal
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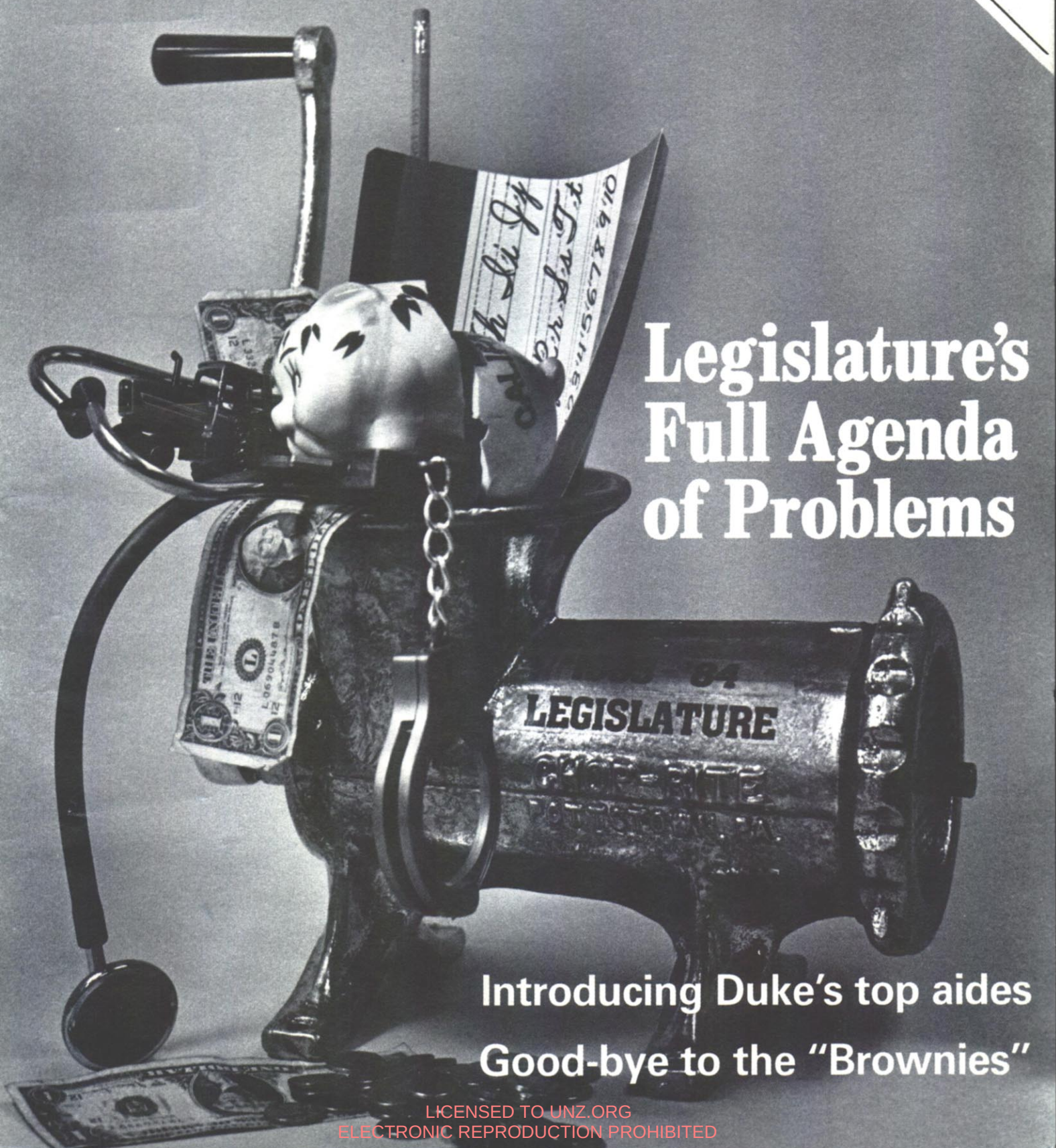
Those tricky slate mailers



Legislature's Full Agenda of Problems

Introducing Duke's top aides

Good-bye to the "Brownies"

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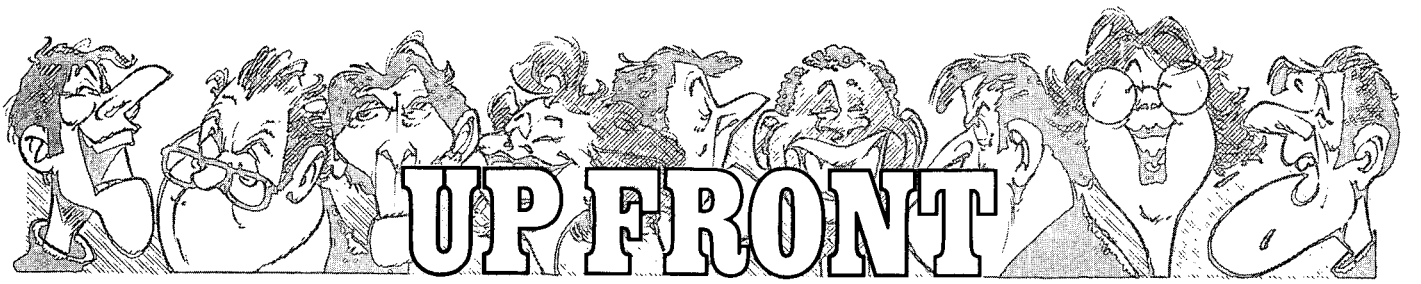

The firing of Thomas Willoughby was a major event at the State Capitol because it marked the end of a respected 20-year-old practice: keeping the staffs of legislative policy committees as independent, non partisan and expert as possible. Because committee staffs are responsible for analyzing proposed legislation and explaining its impact, the practice tended to protect legislators (and the public) from the sleazy lawmaker trying to slip through a special interest bill. Knowing that an independent staff consultant would write a truthful report, the lawmaker was less likely to try. Assembly Speaker Willie Brown undermined the old practice two years ago when he indicated to committee chairmen that they could do as they liked with their staffs. But it remained for Democratic Assemblyman Terry Goggin of San Bernardino to show what that meant. As incoming head of the Energy and Natural Resources Committee, Goggin fired committee consultant Willoughby, one of the most respected and knowledgeable staff members at the Capitol. A committee consultant for 22 years, Willoughby had worked for five chairmen previously and had caused no complaints. Through an aide, Goggin praised Willoughby but said he wanted his own people on the committee staff. To other staff members, the removal of Willoughby meant that no one was safe. "It means if you won't put out for them, you're done," said one. For Goggin, the Willoughby firing means more controversy. Accused in the past of carrying bills to benefit himself and friends, he barely won reelection and is currently under investigation by the Fair Political Practices Commission.

There are a lot of reasons why Duane Lowe was not re-elected sheriff of Sacramento County, and one may have been his unique policy for handing out permits to carry a concealed weapon. When *The Sacramento Bee* asked why he had restored a permit to a campaign contributor whose earlier permit had been revoked because of a gun-waving incident, Sheriff Lowe replied: "I talked with his psychiatrist, and he told me he thought it would be in (the contributor's) best interest, restore his confidence, if he had that concealed weapon permit restored."

There may be no record books anywhere for low voter turnout, but the 3.9 percent rate in last month's Associated Students election at CSU Sacramento deserves some kind of mention. The campus paper said 839 of 22,000 voted. But things could have been worse; last year's election drew fewer than 200 students.

"First Monday," the Republican Party magazine, would like it known that the GOP did well in last November's elections. "The simple fact is President Reagan and Republicans achieved the third best showing during an off-year election taking place during a recession since the Civil War," it said in its November/December issue.

Steve White, star of subliminal television, is about to lose his show. White, who also lobbies for the district attorneys' association, appears for microseconds each week in the montage opener for "California Week in Review," the public TV panel show on state affairs. If you don't blink, you can see him being interviewed near the Capitol. But the show dies in June and White is sorry. He said the panelists were good, too.

The Bakersfield Californian is planning to open a news bureau at the state Capitol, bringing to 40 the number of print, radio and television organizations that are accredited by the Legislature to tell the world what's going on.

Jerry Zanelli and Nancy Burt, top aides to Senate President Pro Tem David Roberti, are leaving — he for a lobbying job, maybe, and she for a seat on the Public Employment Relations Board. Zanelli, executive officer of the Senate Rules Committee, was paid about $65,000 a year to run the senate staff. Burt got $52,000 to run the Senate Office of Research and keep track of issues and political appointments for Roberti. Zanelli took time off last spring to work in one of the dirtier political campaigns of the year, the losing effort of Los Angeles Democrat Alex Garcia to hold his Senate seat. However, he says he only raised money for that one. If nothing else, Zanelli's departure should make it easier for the winner, Art Torres, to work in the Senate with Roberti. Burt, appointed to her $56,858 a year job by Jerry Brown, says she's leaving because nobody offered her that kind of opportunity before. Jim Dantona, Roberti's district office aide, is in line for Zanelli's job.

But where are the cigars?

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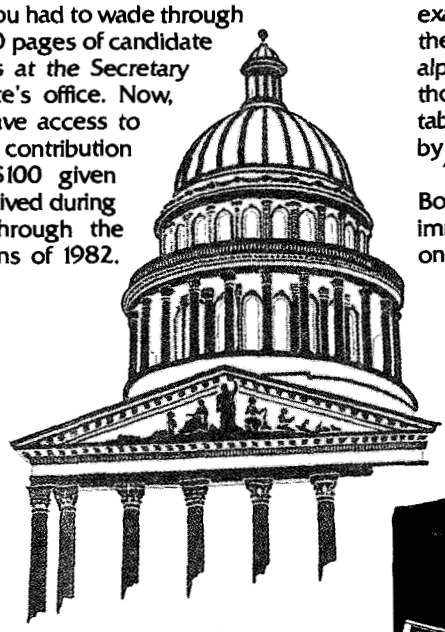

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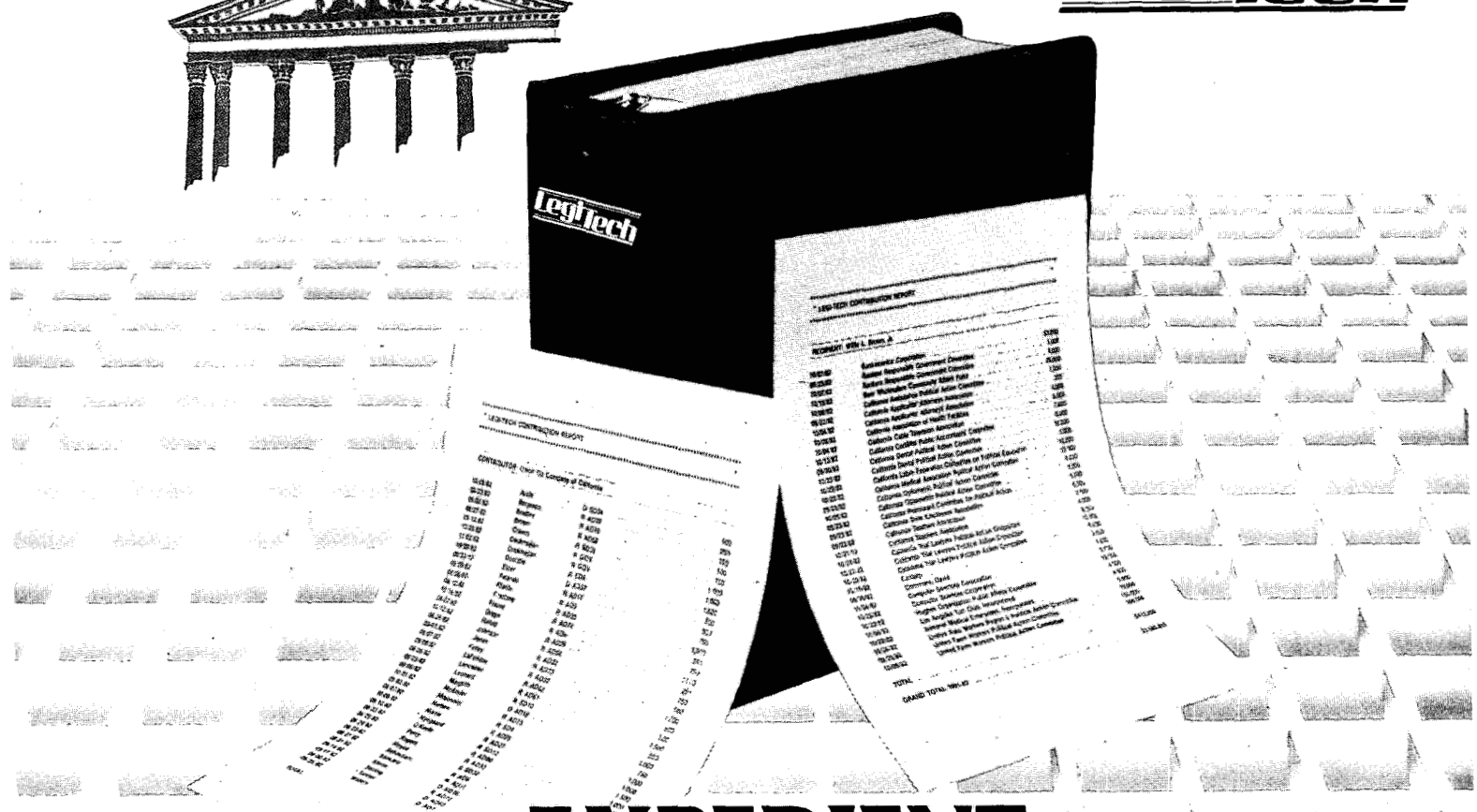

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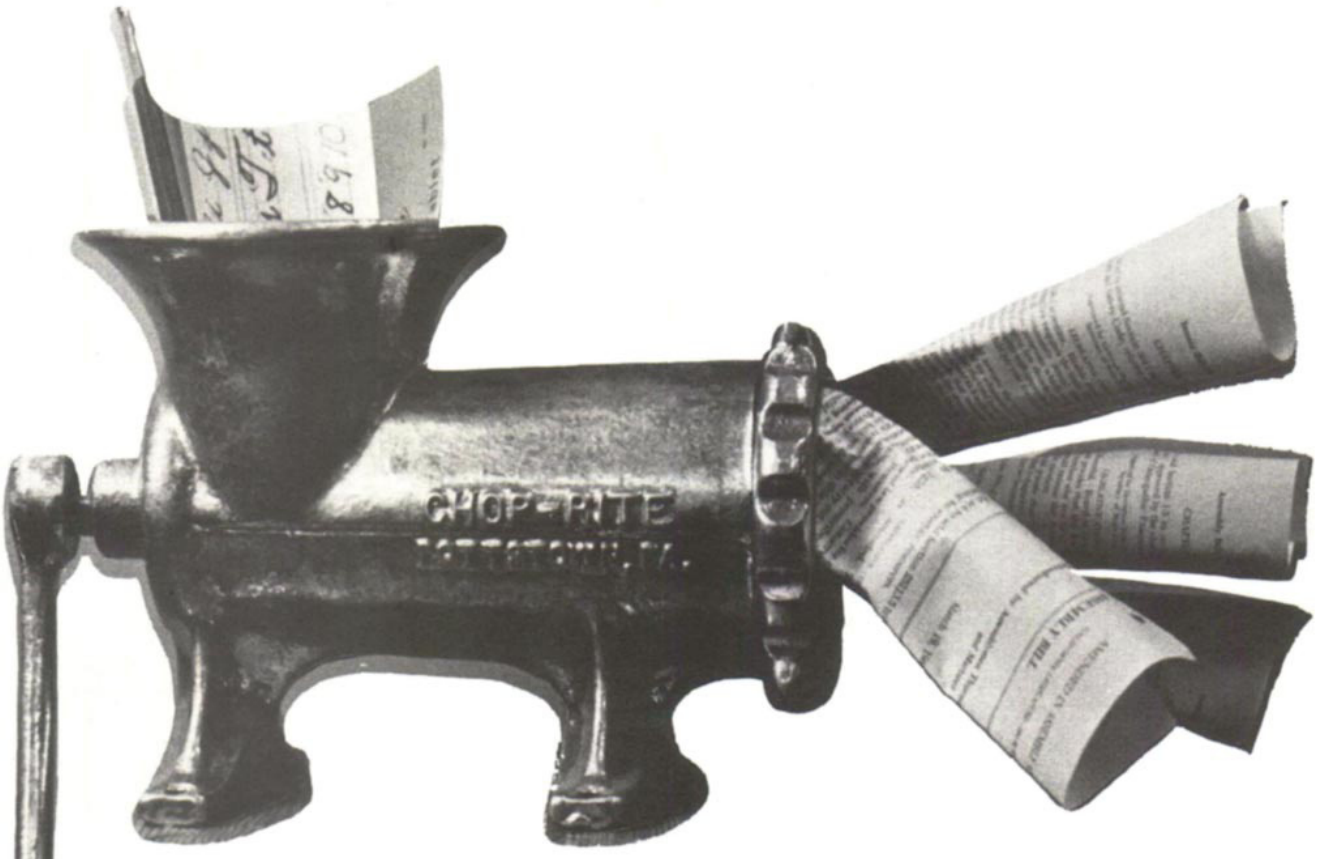

For 'Duke' and the Legislature, an '83 agenda of headaches

By ROBERT FAIRBANKS

California lawmakers convened their 1983-84 session on December 6th with a bundle of issues to consider and their eyes on a governor-elect who has promised to turn state government around. Unlike the past, lawmakers got busy at once, initially concerning themselves with the most severe state money crunch since the Depression days of the 1930s. At a fiscal hearing on the new session's second day, experts predicted boggling deficits for state government in the current fiscal year and warned that action was needed soon. While spending reductions would do much, a tax increase — if only temporary — also would be necessary, said such notables as Legislative Analyst William Hamm.

But despite the early bustle and talk, there was no rush to act. Majority Democrats were willing to have their governor, Jerry Brown, continue handing out judicial appointments and other plums until the final moments of his term. But when it came to the money crunch, they wanted Republican George Deukmejian, the governor-elect, to make an early entrance and help decide what should be done. Without him, they contended, there was little chance of picking up the Republican votes needed to pass any kind of tax bill.

While Deukmejian was willing to step forth on the judicial appointments (he had asked Brown to stop making them so that he could), he refused to join the fiscal discussions. Having pledged during the campaign not to raise taxes, what could he gain by joining negotiations that could lead to a tax increase? Furthermore, if the negotiators tried to erase the deficit with spending slashes alone, the resultant pain and outrage among those who took the cuts would generate legions of enemies for all involved.

Thus Republican legislative leaders, after meeting with Deukmejian, declared him out. Since he doesn't become governor until January 3rd, they said, it is up to those in office now to clean up the fiscal mess. (The state budget calls for expenditures of more than $25 billion through the end of this fiscal year, June 30th. Estimates were that revenues were running about $1 billion behind expenditures and could drop further.)

Rush to reapportion

The odd situation — with a newly elected Legislature taking office in early December, with a new governor arriving a month later and a lame-duck governor serving in the meantime — arose because of a 1972 ballot measure. Designed to reform the legislative process, the measure created two-year sessions and ordered, among other things, that the sessions begin on the first Monday in December following

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That balanced-budget 'mandate'

There's one unquestioned axiom about state government that gets quoted a lot these days: "The constitution requires California to have a balanced budget."

True? Not necessarily.

There are some indications that California could dip into the red ink just as legally as do the big deficit-spenders in Washington.

In fact, there is no constitutional provision which flatly prohibits the annual budget from being out of balance. The closest is Article XVI, Section 1, which states in part that the "Legislature shall not in any manner create any debt, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars" without a vote of the people (as with a bond measure).

That language was examined about 46 years ago by the California Supreme Court. The state was out of money in 1936, and the controller was trying to pay the bills by issuing warrants against the general fund. Those warrants were to be paid later by the treasurer — whenever enough money came into the fund to cover them.

But the treasurer refused to register the warrants, because he knew that not enough money would come into the general fund to pay off the warrants during that fiscal year. So the controller asked the court to order the treasurer to register the warrants.

A unanimous Supreme Court backed the controller; it held that the inability of the treasurer to pay off the warrants during the current fiscal year was "immaterial." The court found no legal impediment to curing a budget deficit through the use of registered warrants, even if the warrants were to be paid from revenues received during the next fiscal year.

In a recent letter to Controller Ken Cory, the office of the attorney general said that a Supreme Court that would approve warrants issued in anticipation of the next year's revenues might also approve a statute authorizing the controller to borrow from special funds — even if repayment was to be from the revenue of the following year.

Such borrowing could, of course, create a continuing deficit. If, for example, the controller borrowed $500 million in fiscal year 1982-83 to be repaid from revenue received in fiscal year 1983-84, that repayment could in turn cause a $500-million deficit in 1983-84 which would be repaid with revenues during the next fiscal year — and so on indefinitely. The state could, like the federal government, have a budget permanently out of balance.

Of course, the present Supreme Court might well reject the reasoning of the court of 1936, if only because the economic circumstances today are not yet as grim as those of the Great Depression. However, the issue is not as settled as most observers of state government presently believe.

— RICHARD THOMSON

Richard Thomson is chief counsel to the Senate Judiciary Committee.

the November elections. Normally, lawmakers meet for a few days, elect officers and recess through the holidays. The real business — committee hearings and floor votes — begins in January.

But Democrats wanted the 1983-84 session to begin at once. Not only were they heeding calls to get started on the state's fiscal problems, but they wanted an opportunity to deal with reapportionment before the new Republican governor came in. Voters last June rejected the Democrats' earlier redrawing of legislative and congressional district lines. Then, in November, voters also rejected the new commission that Republicans and Common Cause had been promoting to do the job. As a result, reapportionment returned to the Legislature and into the hands of its Democratic majority. However, there's no sense drawing lines favorable to Democrats if a Republican governor waits ahead with a veto. Thus, Democrats wanted a chance to do the job while Brown remained in office.

The usual legislative rules prohibited lawmakers from considering bills on reapportionment (or anything else) during the month of December. However, on opening day, Brown called a special session, a device that allowed the Legislature to consider bills during the month and, if necessary, put new statutes into effect more speedily than under the regular rules.

Also on opening day, legislators elected their leaders: Democrat Willie Brown of San Francisco as speaker of the Assembly and Democrat David Roberti of Los Angeles as president pro tem of the Senate. Although both men had held those jobs in the last session, each was now stronger than before.

Brown needed Republican support to win the job two years ago after the McCarthy-Berman speakership fight, but now he has Democrats solidly behind him. Roberti's reign was shaky at the close of the last session, in part because he seemed weak on election tactics. But Senate Democrats picked up two seats in November and Roberti is secure.

The November victories gave Senate Democrats a 25-15 edge over Republicans. In the Assembly, where the Democratic majority lost a seat, the new partisan count was 48-32. However, although Democrats had majorities, they lacked the two-thirds margins needed to approve new taxes and most spending bills (54 votes in the Assembly and 27 in the Senate).

Heat and light

But while fiscal affairs and reapportionment dominated the opening of the session, they were hardly the only issues that promised to be prominent as the weeks and months go by. If nothing else, Deukmejian's legislative program — whatever its final form — should generate considerable heat and light. Indeed, Sierra Club lobbyist John Zierold has already looked beyond Deukmejian's controversial election pledge to abolish the Coastal Commission and is wondering what the new administration might propose so far as California's Environmental Quality Act and its requirement for environmental-impact reports is concerned. Zierold, incidentally, doubts that Deukmejian can abolish the Coastal Commission, which was originally created by voters to control land use along the coast. However, he believes that the administration could "nibble away" at its power through administrative means. During the election, Deukmejian said he wished to abolish the state commission so that local officials could control their sections of the coast.

What follows is a look at some of the other major issues that lawmakers will be considering during the coming year. The section was prepared with help from Eric Brazil, Sacramento bureau chief for Gannett News Service, and Steve Lawrence, Capitol reporter for the Associated Press.

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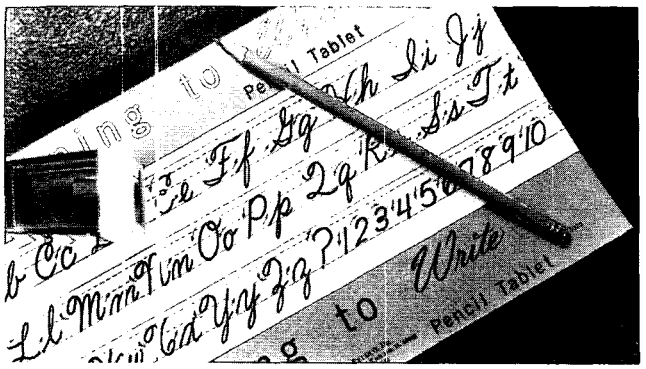
Education: What is 'reform'?



THIS IS THE YEAR in which lawmakers are supposed to give the public schools the same treatment they gave to the Medi-Cal health care program in 1982: major reform. As early as last June, prominent legislators predicted the action. In November, voters seemed to endorse the idea. They chose a back-to-basics conservative, George Deukmejian, for governor, and an avowed school reformer, Bill Honig, as state superintendent of public instruction.

But things are never as easy as they seem. Last year, there was general agreement about what had to be done: inject price competition into the health-care business. The problem lay in overcoming opposition from the influential hospital and doctor lobbies which wanted no part of the idea. Legislative leaders got the job done by meeting privately in advance, drafting a program and jamming it through both houses during the closing days of last year's session.

But there is no such consensus yet concerning public school reform. To some, it means tightening academic standards by requiring more math, English and science and by lengthening the school day. That could mean hiring more teachers, and money is in short supply.

To others, reform means drastically revising teacher pay scales and tenure laws to reward good teachers and punish the incompetent. But that would be a sharp slap in the face to the powerful teacher unions, and there is no indication that the Democratically controlled Legislature is ready to do that.

There is another distinction: The Medi-Cal reform of last year could not have occurred without its promise of cutting state costs. Lawmakers urgently needed the Medi-Cal savings to help balance the budget. But there are no big savings in school reforms and some reforms, as mentioned above, could actually cost money. All of which leads one school lobbyist, Jack Wilson of the California School Boards Association, to predict that little will be done. "You watch," he says with a smile. "Come June (during the hectic days before adjournment), they'll reach for the least reform with the most publicity."

Nevertheless, CSBA has joined with cities and counties to push a reform program in the Legislature. If, as Wilson expects, lawmakers fail to act, then CSBA will ask the League of California Cities and the County Supervisors Association of California to help gather signatures for placing the program on the ballot. Wilson says the Business Roundtable, a group of executives representing California's largest businesses and industries, is interested in the program and might help later with a petition drive.

The reform package has two parts. One would guarantee an annual subvention to cities, counties and school districts by assigning them a fixed percentage of sales, income and property tax revenues. Although details have not been worked out, Wilson says the plan would give the schools some $12 to $13 billion annually, slightly more than they are getting now. The second part of the plan includes such reforms as lengthening the school day, requiring continuing education for teachers and — most controversially — abolishing teachers' job security. Instead of being hired permanently, teachers would receive four-year contracts (as many administrators do now) and could lose their jobs at the end of each term.

In response to such reforms (and there are others being mentioned, such as higher wages for math, science and other hard-to-get teachers), teacher union lobbyists promise united opposition. "A lot of this stuff that's called reform is an attempt to roll back the clock to before the things that school boards lost in collective barbaining," says Ralph Flynn, executive director of the California Teachers Association, the largest and most powerful of the unions. "We shouldn't be talking about getting rid of incompetents at a time when we should be giving people a reason to get into teaching," adds Mary Bergan of the California Teachers Federation. "As it's being used, the word 'reform' connotes employer-employee relations. There ought to be a reform that's going to help students," says William Lambert of the United Teachers of Los Angeles.

The union lobbyists also talk of reforms, but of a different kind. Among other things, they support higher standards for graduation, increased authority for teachers and principals and less for upper-level administrators, economies through school district consolidations, fiscal incentives to decrease school size and longer school days.

Concerning money, the union lobbyists are glum. They note that the schools (and others) received virtually no new money from the Legislature last year and that this year's fiscal problems are even worse. Flynn and Bergan expect a tax increase, despite early objections from Governor Deukmejian, but they predict that the schools' share of the money will be small. Lambert doubts that there will be a significant tax increase at all.

Lobbyist James Donnelly of the Association of California School Administrators says his organization will try to unify all school groups behind a funding bill that would earmark some revenue source, like an oil severance tax, for the schools. But he is not optimistic about its chances. Last October, ACSA publicized a legislative counsel's opinion that said lawmakers could authorize local school boards to levy non-property taxes in their areas. The door was opened by a state Supreme Court decision on Proposition 13 that affected other local governments as well. According to Donnelly, this means that a majority on any school board could vote, for instance, to levy a tax on each household in the district. But he is not pushing the idea, he adds. Such taxes would be difficult politically and would allow the Legislature to say to schools, "Don't come to us anymore with your problems."

There is more to education than the public schools. Stephen Arditti, who lobbies for the University of California, anticipates another battle this year over Senator David Roberti's pet-lovers' bill to ban laboratory use of pound animals. Roberti, the president pro tem of the upper house, lost the fight last year but has since created a political action committee and is raising money for a lobbying crusade against animal abuse. His group is called ROAR, for Respect Our Animal Rights. Arditti contends that a Roberti success, cutting off the university's supply of relatively inexpensive dogs and cats for research, would cost the school millions of dollars.

— R.F.

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Health and welfare: Pushing changes

THE MOST IMPORTANT HEALTH AND WELFARE law to come from the Legislature in recent times is last year's Medi-Cal reform. Although no one expects it to be repealed, several lobbyists — such as Emma Gunterman for anti-poverty groups and Jay Michael for the California Medical Association — will be working this year for changes.

The Medi-Cal reform of 1982, completed by the Legislature last August, is actually a three-bill package. It has been most publicized for its aim of forcing doctors, hospitals and other health-care providers to compete for business, thus driving down health-care costs for all. But the package also aimed at cutting state costs by narrowing eligibility standards and reducing benefits for about 3 million poor persons whose health care is financed by the state.

Gunterman, a lobbyist for the California Rural Legal Assistance Foundation, opposed many of the Medi-Cal cuts last year but is chiefly concerned now by the impact of the new eligibility standards. She says they are penalizing poor persons with small outside incomes, forcing them to forego necessary medical care. "I know a woman with cancer of the colon and she can't afford to go to the doctor," she says.

Gunterman explains the problem this way: An elderly person with no outside income is entitled to a welfare grant of $451 a month and is automatically eligible to have Medi-Cal pay all health-care bills. If that same person were to suddenly acquire an outside income of $500 a month, he or she would lose the welfare grant and, initially, the Medi-Cal eligibility. However, after that person had "spent down" the outside income on health-care bills until he or she has only $331 a month left Medi-Cal would begin to pay once more. In other words, says Gunterman, this person is expected to live on $331 a month, which is $120 less than he or she would get on welfare.

What's more, says Gunterman, the poor person could not give away the $500. State rules, she says, prohibit making a gift of income to qualify for welfare. Gunterman estimates that there are about 300,000 Californians in this "medically needy" category and that the group includes not only the elderly but mothers with children and the disabled. "They can't live on what they're allowed," she warns. "What's going to happen to them?"

Michael, the CMA lobbyist, would like to change the reform provisions aimed at forcing doctors, hospitals and other health-care providers to compete for business. The CMA fought the provisions last year and would like to see them repealed. However, Michael sees no chance for that. Meanwhile, he says, he will work for amendments to protect doctors and patients in the new competitive environment.

Essentially, the law stimulates competition by giving the Medi-Cal program and California's private insurance firms new power to direct their recipients and group members toward hospitals and doctors of state or insurance-company choice. Thus, state government and the private insurers (who cover about 16 million Californians) will have blocs of business under their control, allowing them to go into the medical marketplace and contract with providers who offer the best terms. If providers want the business, they will have to compete.

Michael will seek several changes, including one aimed at what he calls the "blue suede" insurance company. Such a company, he says, might contract with a group of providers to furnish a skimpy health-coverage program for employees that could be sold to an employer for low cost. So long as both employer and employee have full information about the proposed coverage, Michael says, there is nothing wrong. However, there should be provisions in the law to assure that adequate information is given, he suggests.

Unlike the doctors, hospital groups did not flatly oppose the reform package last year. However, their lobbyists had nothing good to say of it, and — like the doctors — will be seeking modifications during the 1983-84 session. For instance, the reform law says that any hospital getting a Medi-Cal contract must allow any qualified physician to practice there. If not, a physician in the area with Medi-Cal patients might be barred from the only hospital to which his patients may go. But according to Carl Weissburg of the United Hospital Association, "You can't have everybody in the world walking in and doing heart transplants." The law allows a hospital to bar outside radiologists, pathologists and anesthesiologists, but Weissburg wants the list extended. A spokesman for the California Hospital Association indicates that his organization will seek similar changes. — R.F.

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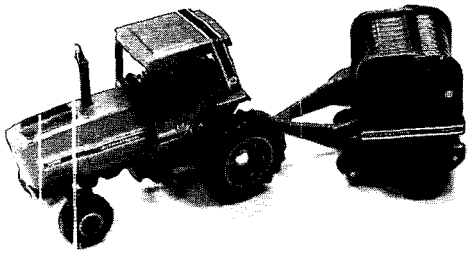
Farm labor: Buying clout



ADROIT LOBBYING AND A FRIENDLY GOVERNOR have enabled the United Farm Workers Union to preserve the Agricultural Labor Relations Act, despite a seven-year agri-business effort to weaken it. And the union which Cesar Chavez built seems likely to do well during the upcoming legislative session, even though Governor Jerry Brown is leaving and George Deukmejian — a growers' man all the way — is moving in.

No one doubts that Deukmejian would sign just about any bill that growers put in front of him. But given the size of the legislative leadership's commitment to Chavez, it's highly unlikely that any such bill will get to the governor's desk.

The reason: More than $400,000 was poured into Democratic campaign war chests by UFW between the June primary and the November general election. Assembly Speaker Willie Brown's campaign committee received $250,000, and one controlled by Senate President pro Tem David Roberti got $111,500 from Chavez' union. Both houses are firmly in Democratic control.

The ALRA is a comprehensive farm-labor law custom-tailored to California's unusual specialty-crop pattern. Growers have been trying to change it since it went on the books in 1975, after they realized how it could be used against them. The union has tenaciously defended the act's every clause and comma.

This year growers will stop trying to change the ALRA piecemeal and will concentrate instead on replacing it with a state equivalent of the National Labor Relations Act. Identical bills to effect the change have been introduced in both houses. But neither bill appears to be much more than an exercise in political consciousness-raising. Indeed, agribusiness lobbyists may have their hands full trying to stave off UFW efforts to strengthen the act.

An NLRA equivalent would do a number of things that the union considers obnoxious. It would undermine several tactics that have helped UFW win contracts out of recalcitrant growers, such as secondary boycotts. Most important, by conforming state law to the NLRA, growers could knock the disciplinary and fund-raising hammer out of the union's hands. Under the NLRA, the union-security clause requires a rank-and-file member merely to pay an initiation fee and dues in order to maintain good standing and to keep his or her job. Under the state law, the union can negotiate contracts which define good standing just about any way the leadership wants it defined — including forced financial contributions to UFW political and charitable causes. Consequently, the union security clause is the key to the bank which funds the union's increasingly sophisticated political operation.

UFW was formidable in the Legislature even when it contributed next to nothing to campaigns and relied on Jerry Brown to handle its foes. Now that it has put the farmworkers' money on the line, the union will be doubly potent.

Chavez has talked about strengthening the ALRA to make its unfair labor practices provisions applicable to so-called "labor consultants." He will also be pushing for stronger pesticide and strikebreaker legislation.

Agriculture may find itself on the defensive, even though it is finally rid of Jerry Brown.

— ERIC BRAZIL

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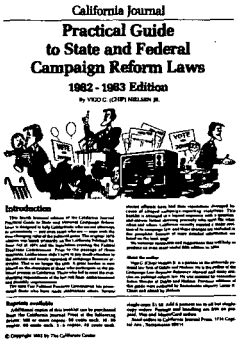

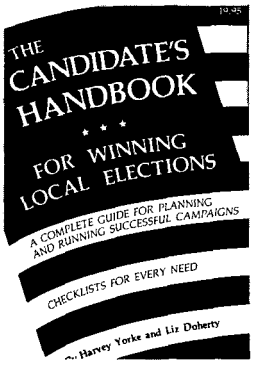

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Business and labor: Shaking the status quo

THE ELECTION OF GEORGE DEUKMEJIAN marked the start of better times for business and jobs in California," says Chico developer Clay McGowan, newly elected president of the California State Chamber of Commerce.

True enough, the state's business establishment won't have to put up with the unorthodoxies of Governor Jerry Brown any longer. But whether it will have much success working its will in the Legislature is something else again. "We have liberal majorities in both houses, and we're stronger in the Senate than we were up until the election," says John F. Henning, executive secretary-treasurer of the California Labor Federation, AFL-CIO.

With state unemployment running around 11 percent, a budget deficit of $1.5 billion or more in the offing and recession being felt from Chula Vista to Crescent City, the status quo is bound to be shaken badly in the Capitol. Business will be lobbying hard for legislation to cut its costs, improve its competitive position and diminish the financial burdens imposed on it by state government. And labor will be pushing just as hard for legislation to soften the blow of hard times for working men and women.

Organized labor scored a big victory during the 1982-83 session with a hefty boost in workers compensation benefits, and both the state Chamber and the California Manufacturers Association are contemplating what CMA lobbyist Paul Gladfelty calls "remedial legislation" on the subject.

CMA and the California Taxpayers Association intend to sponsor bills imposing new restrictions on unemployment insurance benefits and giving employers more representation on the Unemployment Insurance Appeals Board.

The chamber's agenda has a constitutional amendment to block further erosion of the property tax benefits conferred by Proposition 13 and the governmental spending limits imposed by Proposition 4.

Business also wants to press for completion of the state's freeway system and the state water project, expedite construction of new energy-generating facilities and — inevitably — prune back the growth of governmental regulations.

Plant closures surfaced as a hot issue in the Legislature toward the end of the last session. It has been gathering momentum for the past three years and may be ripe for some legislative action — and for a Deukmejian veto.

Business organizations and Republicans generally favor a hands-off approach to the problem on the theory that punishing manufacturers who close plants or requiring them to give advance notice of closure is damaging to the state's business climate.

CMA recently adopted a set of "voluntary guidelines" dealing with plant-closure notification, in large part to answer the inevitable question from Democrats on the Assembly Labor and Senate Industrial Relations committees: "What have *you* done . . . ?

Assemblywoman Maxine Waters of Los Angeles is expected to reintroduce some version of the plant-closure bill which frightened business last year, and there will be others. "The effort is going to be a little more sophisticated, a little stronger, and it will have a lot more people in groups coming to Sacramento," says Kathy Seal of South Gate, a spokeswoman for the California Coalition Against Plant Closures.

The legislative program approved this month by the state AFL-CIO's executive board seeks to broaden and extend the duration of unemployment insurance coverage, make benefits available to strikers seven days after a strike begins and extend coverage to workers' dependents — as is done in 10 other states.

Labor will also push for a state version of the Equal Rights Amendment, for health-care cost containment, for an increase in penalties levied against violators of Occupational Health and Safety Administration regulations and for a variety of restraints on strikebreakers.

Henning says that labor also wants the state to initiate its own public works program, to be financed by an oil severance tax at the wellhead. Such a tax would generate $500 million, and it is labor's hope that oil companies would have difficulty passing it on to consumers.

— ERIC BRAZIL

The ballot front . . .

A roundup of statewide initiative proposals. (To get a constitutional amendment on a ballot requires as many qualified-voter signatures as 8 percent of all votes cast for governor in the election preceding the drive. For initiative statutes, a 5 percent equivalent is required. The number of signatures required and deadline are in parentheses.)

In circulation:

- **UTILITY RATES** — a constitutional amendment to roll back utility rates to those in effect on September 30th, 1981, and to require refunds (plus 10 percent interest) to consumers. (553,790, January 3rd)

- **LOTTERIES, GAMBLING** — a constitutional-amendment drive (the 18th) to legalize gambling in California, with all proceeds to benefit public education. (553,790, March 14th.)

- ***VOTERS-ELECTORS*** — *an amendment to clarify the constitution by changing the word "electors" to "voters" in provisions dealing with the initiative process.* (553,790, March 14th)

- **MARIJUANA** — an initiative-statute drive (the 12th) to legalize and to provide amnesty for personal use *of marijuana for adults 18 and over.* (393,835, April 4th)

- **SPORTS FANS CONSUMER BOARD** — an initiative statute to establish a non-profit corporation to represent interests of sports fans before owners, Legislature and other public bodies. (393,835, April 21st)

Failed to qualify:

- **PUBLIC UTILITIES COMMISSION, ELECTION** — a constitutional amendment to require district election of commission members, now appointed by the governor.

Qualified for next election:

None to date.

Source: Secretary of State March Fong Eu.

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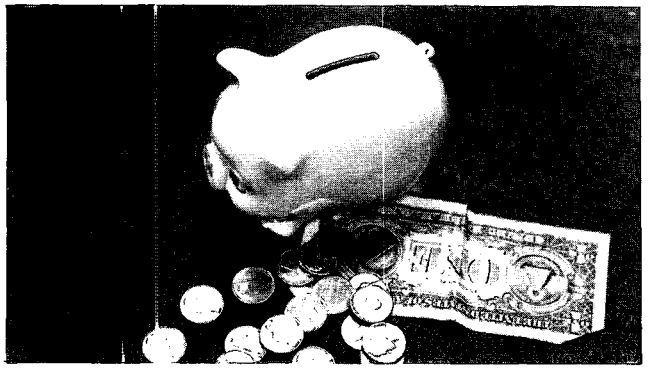
Local government: Thinking big



THE MOTTO OF CALIFORNIA'S CITIES and counties, as the Legislature grapples with its red-ink budget, might be, "When you're in trouble, think big." The state is facing its greatest financial crisis since the Depression, and state support for local governments and locally run programs could be a prime target of legislative budget cutters. But instead of worrying about how to deal with revenue losses, city and county lobbyists are talking about a preemptive strike: legislation that would give their agencies greater financial security and make them less dependent on the state.

"I guess out of crisis comes reform," says Larry Naake, executive director of the County Supervisors Association of California. What Naake and lobbyists for California cities want is a constitutional amendment that would give local government (including school boards) a guaranteed share of the state's sales and income taxes and would halt the state taking, in effect, local property tax revenues. Also, the proposed measure would give local governments the ability to increase local taxes, with voter approval.

Marvin Freedman, a lobbyist for Los Angeles County, mentions local "sin taxes" — levies on such things as tobacco products and liquor — as another possible source of local revenue. "Rather than sitting here each year with our hands out trying to keep things going, we want a local-revenue base that can be adjusted by local officials," Freedman says. "That would change the whole atmosphere."

Lobbyists for the League of California Cities say that all they're hoping for out of the Legislature's new session is a freeze on the current level of state subventions to cities, and maintenance of cities' ability to levy and raise taxes, which is broader than the power held by counties.

Ken Emanuels, a League lobbyist, says cities are also concerned about plans to overturn a recent state Supreme Court decision that struck down Proposition 13's two-thirds vote requirement for most local government tax levies. According to Emanuels, the state Chamber of Commerce and other business groups are seeking a constitutional amendment to reinstate the provision. "We just can't get a two-thirds vote (to raise taxes)," Emanuels admits. "This November, cities conducted 26 special-tax elections throughout the state. We got more than two-thirds on only two of them." With a simple majority requirement, he adds, 14 or 15 proposals would have passed.

Both city and county lobbyists say their agencies have been treading water since voters approved Proposition 13 in 1978. "Their (cities') service levels are satisfactory," says Emanuels. "Police and fire (services) have been maintained, by and large. Other services have been cut back. But they cannot do that indefinitely. They are ignoring capital facilities. We can make do for another few years, but we're not building transportation facilities, sewer plants, (things) a growing state has to have. It's the long term that's most serious."

City budgets, on the whole, have been increasing but until recently have been running behind inflation, Emanuels adds. Cities may also push for a one-cent increase in California's gasoline tax this session. The tax jumps from seven to nine cents in 1983, but Emanuels says officials knew all along that two cents would not be enough.

"That generates enough money to allow us to do maintenance we should have been doing the last five years," he says. "It doesn't get us ahead at all."

Cities and counties this year also will face complaints from developers about school financing fees and other local government charges on subdivisions. "We're getting killed with specific fees and charges," says Robert Rivinius, executive vice president of the California Building Industry Association. "We have got to find a better way to finance infrastructure."

Rivinius says he hasn't got anything specific in mind yet and jokes that his "timing is perfect" in light of the deficit. "Still, there may be creative things that can be done," he adds.

— STEVE LAWRENCE

Law and order: Living with '8'

LOBBYISTS ON THE LAW-AND-ORDER FRONT are looking forward to new battles over Proposition 8, the "Victims' Bill of Rights," that voters approved last June. Just because it's part of the state constitution now doesn't mean that it can be fully enforced. The Legislature must still approve statutes to define some of its terms and fill some of its gaps.

Those who opposed the ballot measure in the first place — civil libertarians and defense attorneys — will want to keep the new statutes as close to current law as possible, thus weakening Proposition 8's impact. Prosecutors and others who supported the measure will want the statutes to be more punitive, reflecting the philosophy of the proposition itself. Governor George Deukmejian, a Proposition 8 supporter, will be a force on the punitive side.

Promoted by tax crusader Paul Gann, Proposition 8 ordered restitution for crime victims, declared a right to "safe" public schools, set limits on plea bargaining, lengthened prison terms for repeat offenders and restricted the right to bail. Also, while attempting to widen the range of evidence that might be used against criminal defendants

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(the range had been narrowed by the state Supreme Court), the measure erased portions of the state's evidence code. Although the court ruled last September that Proposition 8 had not violated the constitution's single-subject rule for ballot initiatives, the justices left themselves free to rule later on its various provisions. Thus, rulings and interpretations from the court could add new elements to the legislative battle.

According to the lobbyists, the big fight over Proposition 8 will center on those erased sections of the evidence code. Michael Pinkerton, representing the defense attorneys, wants to restore all the old sections more or less intact. But Stephen White, executive director of the Californa District Attorneys' Asociation, wants separate hearings on sections covering controversial areas, such as wiretaps, so that the prosecutors might get more favorable rules.

Shortly after Proposition 8 was approved by voters last June, Pinkerton rejected proposals like those that he is making now; that is, to restore the evidence code. White contends that Pinkerton wanted the lack of an evidence code to cause confusion in the courts so that Proposition 8 would fall more easily. Pinkerton says he simply wanted to wait until the Supreme Court ruled on the legality of the proposition.

Brent Barnhart, who lobbies for the American Civil Liberties Union, predicts a fight also over implementation of Proposition 4, the June ballot measure that allows judges to deny bail to dangerous-seeming defendants. (Because it got more votes, Proposition 4 superceded the bail provisions of Proposition 8.) The measure requires a showing, he says, that the defendant is dangerous and violent. "How you define that is critical," Barnhart says.

According to White, district attorneys are no longer pressing for mandatory sentence laws, such as the "use-a-gun, go-to-prison" statute. But they want one more nonetheless: at least a year in prison for those convicted of large-scale, white-collar crime. White says the proposal arose from the case of convicted San Diego financier C. Arnholt Smith. "You have him getting probation and a welfare mother going to prison," White complains.

White says that district attorneys also will be looking for refinements in the new and harsher drunk-driving laws that took effect one year ago, including the closing of a small loophole in the blood-alcohol testing process. White says prosecutors would like to see more first offenders sentenced to jail for the minimum two days (judges may order them into a counseling program instead) but feared that county jails could not handle the prospective weekend load. "We could do it if the courts would put them in on weekdays instead," he says.

Neither Barnhart nor Pinkerton sees much hope of ending the divisive ideological battle over crime. "All the promoters of law-and-order legislation are so shrill and rigid," Pinkerton says. During a moment of wishful thinking, Barnhart suggested that Governor Deukmejian might lead the way in finding more intelligent ways to deal with many criminals than placing them in prison. Just as former President Nixon's reputation as an anti-Communist enabled him to promote closer relations with China, so Deukmejian's reputation as a crime fighter might enable him to remove "people from cages," Barnhart says. — R.F.

(For a review of how trial judges are currently dealing with the provisions of Proposition 8, see page 38.)

ROSTRUM

Short letters from subscribers are encouraged.

'Reform' or 'destroy'

In your piece, "Election Analysis" (*CJ*, December 1982), you noted correctly that as governor, George Deukmejian "will need more than (his appointive and administrative powers) to reform agricultural labor laws (presumably the Agricultural Labor Relations Act which I coauthored in 1975)."

Webster's Dictionary defines reform as "to put or change into an improved form or condition."

I don't believe that any measure — such as proposals pushed by growers during our last legislative session — should be characterized as "improved" that would deny the right to vote in union elections to most of the state's farm labor work force, effectively outlaw the farm workers' right to strike, abolish the ALRB's make-whole remedy (the only incentive yet devised to remedy bad faith bargaining), permit a return to ethnic and racial discrimination in farm labor by ending the ALRA's mandate of the industrial or single bargaining unit concept, and restore power to farm labor contractors, who directly cheat and exploit workers by eliminating the exclusion of contractors from the law's definition of an agricultural employer.

These are only a few examples of the inequities foreseen by passage of legislation supported by Mr. Deukmejian and his agri-business backers. There are many others. I don't believe the word "reform" is accurate. "Gut," "destroy" perhaps; but not "reform."

RICHARD ALATORRE
Assemblyman, 55th District

Profiting from dirt

I do not agree with the reform tactics put forth in the article, "Darth Vaders' political reform" (*CJ*, November 1982). There is nothing said about the number one violator, the news media.

The news media find dirty campaigns a very lucrative source of revenue because of their policy of increased charges on political advertising. They are making themselves rich on the one-upmanship of political campaigns. A limit on contributions would have no effect on editors and managers who by innuendo, implication, deletions, out-of-context material and blatant endorsements could elect the ax murderer. . .

Sure, these fellows William Butcher and Arnold Forde would be delighted to see such reforms. Under such conditions it's a cinch that anyone running for office, any office, will need to hire a firm such as theirs to be able to play the game under their guidelines . . .

Luckily we still have a few people in government who have the best interests of the people at heart; the big problem is, how will we keep them? Not only have we lost our good old horse sense, but most tragically we have lost our perspective and our sense of humor.

MILDRED FILIBERTI
Supervisor, Tuolumne County

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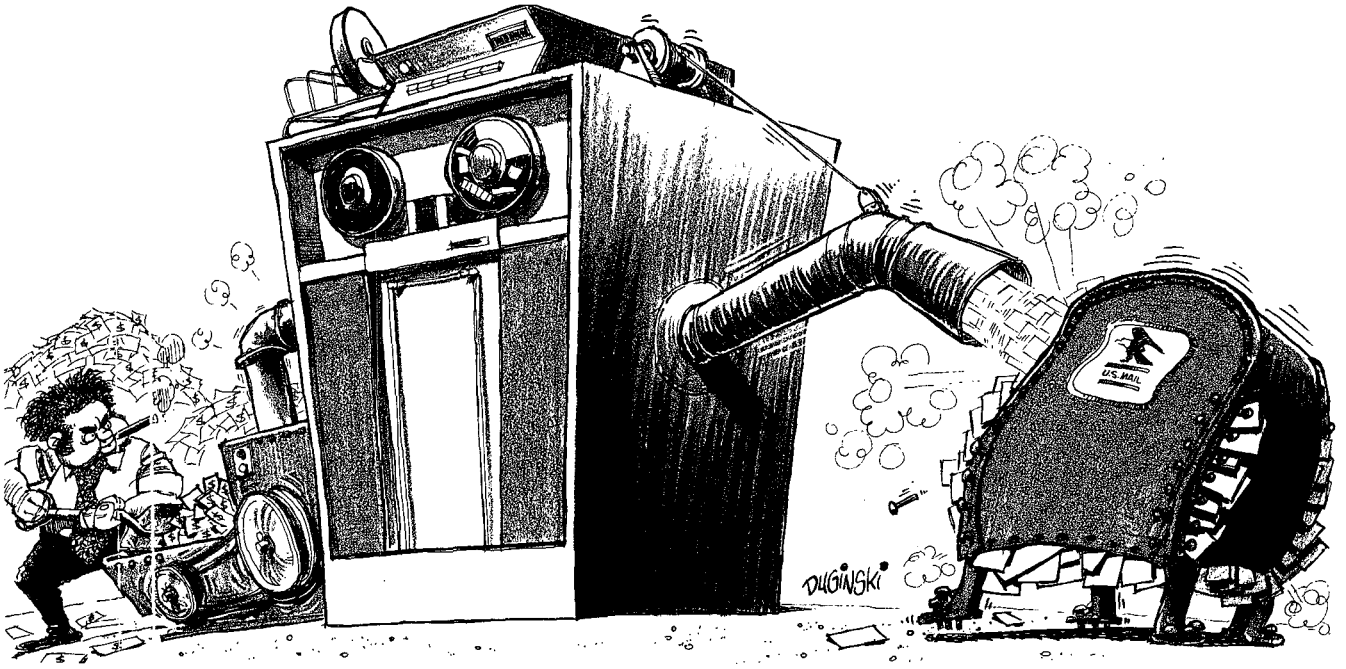
'WE OUGHT TO TAKE THE PROFIT OUT OF THE BUSINESS'
— Willie Brown



The growing grey market in political slate mailers

By BUD LEMBKE

Betty Smith has every right to consider herself part of the California Democratic Party leadership. After all, she *is* the party's Northern California chairwoman.

Imagine her surprise, therefore, when she learned that something called the "California Democratic Leadership Ballot Guide" was plopping into mailboxes all over the state just before the November 2nd general election.

She knew that the party had been planning to send out such a slate mailing — but the last she knew, it was snagged on questions of who would pay for it, where it would be distributed and what it would contain. She was upset because the handsome red, white and blue mailer featuring U.S. Senator Alan Cranston's picture and a star-spangled "California Democratic Party" label, urged "no" votes on Proposition 11, the 'bottle bill," and Proposition 13, the water resources initiative.

Smith called Nancy Pelosi, the state Democratic chairwoman to complain. (In very fine print, the slate had been identified as "paid for and prepared by the California Democratic Party, 5371 Wilshire Blvd., Los Angeles, CA, Nancy Pelosi, chair.")

"I hit the roof higher on this than on anything since I've held office," says Smith. Other Democratic leaders, including San Francisco Democratic Central Committee Chairman Agar Jaicks and Los Angeles County Democratic Chairman Ed Burke, were also hitting the roof over what has become known as "the Willie Brown slate." It developed that Assembly Speaker Brown had come to the rescue and raised funds to make the Democratic slate project a reality. And in return, he and a few of his lieutenants in the lower house decided the slate's positions on some of the propositions. Then came news stories that at least $75,000 of the mailing costs were contributed by campaign committees supporting or opposing propositions listed — $30,000 each from opponents of the bottle bill and water-conservation measure and $15,000 from backers of textbook loans to private schools. (The mailer also urged a "yes" vote on the textbook proposition.)

Meanwhile, down in Los Angeles, a far more intricate slate operation was grinding out endorsements for Democratic voters, under the direction of Michael Berman and Carl D'Agostino. Working practically around the clock in the last weeks of the campaign, Berman and D'Agostino — the acknowledged experts on sophisticated slate-making — went statewide for the first time this fall.

And on the other side of the partisan fence, the California Republican Central Committee sent out its own "Official California Election Ballot Guide" about October 1st to all 2.5 million Republican households in the state. In addition, the GOP chipped in $5,000 for another Republican slate mailing put together by the Sacramento campaign management firm of Russo-Watts.

Slate mailings by parties, candidates and groups such as labor organizations have been around for a long time. But thanks to computer technology and direct-mail techniques, the '80s have produced a new phenomenon: the massive and profitable business of marketing statewide endorsements, both for partisan candidates and ballot propositions. The modest, vest-pocket "voter's guide" of years past has

Bud Lembke is a free-lance writer in Berkeley.

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developed into a sophisticated campaign tool which can be targeted precisely down to neighborhood polling places and water-district races.

Major controversies have arisen as a result: Can commercial slate mailers be kept honest? Are their endorsements available to the highest bidder — and if so, shouldn't voters know that? What regulations, if any, are possible without intruding into First Amendment territory? If big profits are to be made, who should make them?

All of these questions and more popped up quickly after the "Democratic Leadership" endorsement lists landed in Democratic households. The slate was hurriedly assembled and produced by Orange County political consultant Harvey Englander who was hired by Willie Brown's Assembly campaign organization 20 days before the election. Criticism of the mailer erupted on several counts:

- **The "leadership"** designation was misleading, because only Democrats on the speaker's leadership team provided much input on endorsements.
- **Opposition to** the water measure actually flew in the face of the State Central Committee's executive board decision, taken at an August meeting in Fresno. After lengthy debate, the board decided to take no stand on Proposition 13. Taking a stand on Proposition 11 (the bottle bill) was not even considered by the board.
- **In spite of Cranston's** prominent picture on the mailer and the statement (beside the recipient's mailing address) that "Senator Alan Cranston and Assembly Speaker Willie Brown have prepared this ballot guide," Cranston's office stated otherwise. His aides said that he gave permission to use his name in endorsing Democrats on the slate but not on proposition positions.
- **David Roberti** of Los Angeles, president pro tem of the state Senate, withdrew from the "leadership" slate participation, partly because of disagreement with the "no on 11" position.
- **According to a letter** from which the *Los Angeles Times* quoted, Assemblyman Bruce Young of Norwalk, representing Speaker Brown's campaign team, flirted with leaders of the gun lobby fighting Proposition 15 about a "no" recommendation on the slate. The *Times* said the asking price for the slate's negative stand was $75,000. Brown denies having any knowledge of the offer, and no position was taken on 15.

The slate was sent to 1.6 million households in 40 counties, at a cost of nearly $300,000, using the State Democratic Central Committee's non-profit mailing permit rate of 3.9 cents per item. (The regular third-class rate for pre-sorted mail is 7.9 cents per item.) Chairwoman Pelosi says that as many as 20 county committees and legislative candidates went through her office to use the non-profit rate and produce another 600,000 slate mailings in places such as San Francisco, Marin and Santa Barbara counties.

In some cases, local-slate recommendations on the propositions differed from the Willie Brown statewide mailing, and there was some confusing overlap. Thus, in Brown's San Francisco Assembly district, Democrats received the "official" slate which he put together, urging "no" votes on Propositions 11 and 13. And they also received the slate generated by Agar Jaicks and members of his central committee, asking for "yes" votes on the same measures.

How could such confusion and intraparty controversy have developed? In part, they are symptoms of the inherent weakness of political parties in California — a weakness intentionally fostered by the populist reformers of Governor Hiram Johnson's era 70 years ago. Determined to break the grip of special interests such as the Southern Pacific Railroad, Johnson eliminated formal partisanship in electing local officials and established party primaries instead of conventions for picking statewide candidates.

In recent years, political consultants have joined incumbent officeholders to fill the vacuum left by the lack of party control. Struggling to make a comeback, the State Democratic Central Committee began work last August to put out a slate for the November election. "We felt it was very important to have a presence," explains Democratic Chairwoman Pelosi. "Other slates were pre-empting the Democratic role — the Berman-D'Agostino slate, for one."

The party organization already had raised money for substantial voter registration and get-out-the-vote drives. But it needed even more for a statewide slate mailer. "We had a slate format developed with a beautiful flag, a heading, 'California Democratic Party,' support for all the Democratic candidates and positions of 'yes on 12,' (nuclear freeze) and 'no on 14,' (reapportionment commission)," Pelosi explains. "But we couldn't get the financial support for it."

The result was to throw in with Willie Brown's slate. Pelosi says she decided to cooperate in the production of any slates which supported Democrats, supported 12 and opposed 14 — regardless of what other positions they took.

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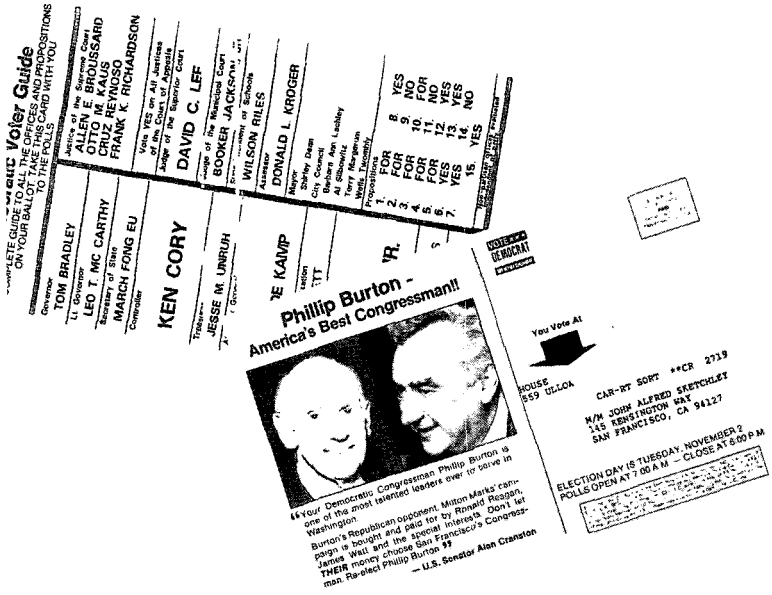
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Speaker Brown says positions taken on the "Democratic Leadership" slate were decided at Sacramento meetings of about 14 Assembly leaders during August and September. "We felt there was an incredible use of the Democratic name in the Mike (Berman) and Carl (D'Agostino) slates of the primary — and that we ought to take the profit out of the slate business," Brown says.

Clearly sensitive to criticism of his role in the mailers, Brown has taken pains to explain the proposition stands which offended so many of his fellow Democrats. Denying that any proposition stands were for sale, he says the Assembly leaders chose to take a "no" position on Proposition 13, the water initiative, because Republicans were capitalizing on Brown's friendship with farm labor leader Cesar Chavez in agricultural areas strongly opposed to 13. A Democratic "no" position would help to neutralize that effort, Brown says that his advisers decided.

On Proposition 9, a measure to restore and expand state loan of textbooks to private schools, Brown explains: "(Assemblyman John) Vasconcellos had sponsored putting 9 on the ballot. There were 54 votes for that in the Assembly, so we had to go with 'yes' on 9."

What about Proposition 11, the bottle-deposit bill? "Our friends in organized labor said they had to have our help on opposing the bottle bill, so we took a position of 'no' on 11.

"(Then) we discussed 12. I'm a strong advocate of a nuclear freeze. We knew our endorsement of that would give some comfort to those upset with our positions on 13 and 11."

What about the mailers' failure to take any position on gun control? "Seventy percent of the people in that meeting were for 'no' on 15," Brown says. "They argued that being *for* gun control would be like our opposing the Howard Jarvis tax initiative, but I argued strongly for it because the 'no' position was so personally abhorrent. The membership finally accepted this (a neutral position). It had nothing to do with contributions."

Hitting the big time

Without question, Speaker Brown's enthusiasm for producing a slate mailer of his own resulted from the growing profitability of such slates for Michael Berman, brother of Congressman-elect Howard Berman and Carl D'Agostino, former aide to Controller Ken Cory. They have tilled the slate-mailing fields in West Los Angeles since 1968, but only this year did they hit the big time. They sent out a total of 3.5 million slate cards and "mailograms" for the November election, endorsing dozens of state and local candidates and propositions. The distribution in 11 populous counties was a big leap forward from the 2.5 million mailings with which they blanketed Los Angeles County for the June primary.

Hundreds of thousands of variations were cranked out by computer printers for the Berman-D'Agostino slate card mailings, accommodating individual judgeship, city council and local-issue endorsements. Each card or "mailogram" also listed the recipient's polling place. The total effort was, according to Berman, "an enormous logistical burden." It was also a highly profitable enterprise.

Seated with Berman in the precinct map-decorated offices of BAD Campaigns (the whimsically brazen name which they coined from Berman And Di'Agostino initials), D'Agostino recently pointed to one ot the mailograms and explained proudly, "This one has hundreds and hundreds of variations of the text — and there were 43 versions of the other one (the pre-printed card)."

The Berman-D'Agostino "Democratic Voter Guide" differed from the "Democratic Leadership Guide" in its recommendations for "no" on Proposition 9 (textbooks) and "yes" on 13 (water resources). They are alike, though, in that both look "official." Acting on a complaint by the Fair Political Practices Commission about their slate mailings for last June's primary, Berman and D'Agostino added in small type this November disclaimer: "Published by Californians for Democratic Representation (1435 La Cienega Blvd., L.A. 90035) — a political committee registered with the California Fair Political Practices Commission. CDR's chairman is Harland Braun, its consultants are Berman and D'Agostino, Inc. Cost of mailing was defrayed by some of the candidates and ballot measures listed on this Democratic Guide."

Their slates theoretically are the products of a political action committee, Californians for Democratic Representation. Yet the two men run the committee, along with a friend, Braun — a prominent Los Angeles criminal lawyer — who helps make judicial endorsements.

In the June primary Californians for Democratic Representation raised and spent more than $720,000 on slates, including $220,000 paid BAD Campaigns as a pre-arranged consulting fee. In the general election more than $900,000 was raised and spent, including more than $250,000 to BAD Campaigns for consulting. The CDR committee thus collected more than $1.6 million this year and paid almost 1/2 million dollars to Berman and D'Agostino. They explain that much of the amount over and above their fee went for obtaining voter lists, printing, computer time and mailing. The BAD Campaigns' fees are not all profit, since office expenses and staff salaries come from this and the firm's campaign-management revenue.

The excess raised, over and above the fees and overhead, is plowed back into additional mailings, Berman says. He contends that this removes the temptation to sell endorsements to the highest bidder, since the BAD Campaigns' consulting fee remains the same no matter what the gross revenue. The selection process boils down to relying on what they and their political allies want, moderated by an awareness of what plays well in diverse areas like Newport Beach and Santa Monica. They insist that they stuck by their own beliefs in urging a "no" vote on Proposition 9 (the textbook measure benefiting private schools) and a "yes" vote on Proposition 15 (gun control), in spite of blandishments to do otherwise. "We could have gotten a fortune from 'yes on 9,' — and we could have been millionaires for 'no on 15'," says Berman.

The partners admit that they were torn on the bottle bill because, while personally opposed, they found some allies for it. Both sides made overtures to them last summer about a listing. Ross Pumfrey, chairman of the "yes on 11" campaign, says he was initially told if he could get on, the price would be $50,000 to $100,000, depending on how much the measure was "featured." He recalls offering D'Agostino $5,000 for a "yes" endorsement as late as October 13th, but he got no out-

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right acceptance or rejection. He says D'Agostino told him that they would "talk again in a few days" but that he could never reach him after that. (D'Agostino says he recalls no specific amount being discussed.) Eileen Padberg of the "no on 11" campaign says she is certain that her partner, Bob Nelson, reached agreement before the D'Agostino-Pumfrey conversation that the slate would carry a "no" recommendation. It did, and the Nelson-Padberg consulting firm of Orange County paid $50,000 to Berman and D'Agostino. (The bottle-and-beverage industry-supported opposition to 11 also bought into slate mailers produced by Congressman Mervyn Dymally's aide, Willard Murray, for the black community of Los Angeles, and by Russo-Watts for the Republicans.)

Berman contends that public scrutiny will prevent abuses that could develop in the slate business. "Nobody else is going to get a $900,000 gross to spend," he says. "The reason we have that trust is that we have a history of political alliances and a history of political associations. We're kind of always in the same place politically, and we've got to act responsibly . . . We've got to act like the shadow Democratic party that Howard (Berman) and Henry (Republican Henry Waxman) have been for the last 10 years."

How effective?

Other observers of the growing slate-mailer operations are less optimistic than Berman that public scrutiny will keep them honest. But everyone seems to agree that they're effective. Speaker Brown and Pelosi feel that their slate was responsible for the defeat of Proposition 14, the Common-Cause-GOP-sponsored reapportionment commission. Berman and D'Agostino also take credit for the defeat of 14.

On the local level, Connie Hosemann of Oakland gives grudging credit to the Berman-D'Agostino slate for the election of Don Kroger as Alameda County assessor. She was the campaign manager for Kroger's opponent, Marshall Zaidel. Both Zaidel and Kroger are Republicans. Hosemann claims the Zaidel campaign was sounded out about obtaining an endorsement on the Berman-D'Agostino "Democratic Voter Guide" at a suggested price of $30,000, but had to decline for lack of funds. Kroger appeared on the slate and won by a margin of 2 to 1.

"Slates are awful — they're dishonest," contends Hosemann. "They're especially dishonest when they're partisan and list endorsements for non-partisan offices. It's just a matter of who has the money."

Still more questions are raised by slate-mailer critics:

- **How much of the mailers' influence** on voters results from intentionally misleading information about the sources? For example, the statewide Republican slate, sent out by the GOP Central Committee, bore a return address that read, "STATE ADMINISTRATIVE OFFICE" and "OFFICIAL DOCUMENTS," giving it an affairs-of-state cast. The small print added "California Republican Party" and gave its Sacramento address.

"Well, we are the state administrative office of the California Republican Party," insists GOP political director John Meyers with a grin.

Walter Zelman, executive director of California Common Cause, regards the expansion of privately produced slates to statewide distribution as "a new wrinkle, and not a healthy wrinkle." The whole basis for the recommendations has to be concealed from voters, he says. "If they're smart consultants, they're going to do everything they can to make the voter believe that the slate is something more than the recommendations of two political consultants, because those would be worth no more than a pitcher of warm spit," says Zelman. "And if it's not their personal point of view, then who's paying for it? What logic determines who gets endorsed?"

He suggests tightening disclosure laws for privately produced slates like BAD Campaigns', but he doesn't see much remedy for any deceptions in those produced by a political party.

"A lot of this comes down to the integrity of the consultant and the sophisticated judgment of the voter, and maybe it's too much to expect of the voter," says Zelman. "Maybe D'Agostino and Berman are aboveboard, but the door may be opened two years from now to all kinds of confusing slates in which endorsements go to the highest bidder."

- **Can political parties clean up** the slate mail act? Democratic leader Jaicks of San Francisco and Republican political director Meyers agree that the basic answer to slate abuses lies in strengthening the party system. One means to this end would be to allow parties to endorse in primary elections. "That would provide a reason for good people to become involved in parties, instead of letting the 'cult of personality' prevail in elections," says Meyers.

Speaker Brown insists that the mailing of a statewide slate card should be a party function. "Every person who is a registered Democrat can benefit by a guide," says Brown. "It's a party function, and I don't want others doing it." He concedes that the party should have some rules governing production of its slate, but adds, "There was a vacuum there, so we put this in."

As a result of the furor over the Willie Brown slate, the Democratic Central Committee's executive board moved toward several reforms at a November meeting in Riverside. After defeating an attempt by Los Angeles County Democratic Chairman Burke to censure Pelosi for her participation in the Brown slate, the board instructed its rules committee to recommend some regulations governing party slates. They may include requiring a 60 percent vote of the executive board to authorize positions on propositions.

- **Can the FPPC or other state agency** promote reforms? Dan Lowenstein, who represented Berman and D'Agostino during the FPPC inquiry on slates last summer (and who stepped down as FPPC chairman in 1979 to accept his present position on the UCLA Law School faculty), sees some good points in slates. He points out that ballots are often long and often contain the names of obscure candidates for judgeships and other local offices.

Lowenstein suggests that the FPPC conduct a study of slates in greater depth than its study of last summer which was prompted by media reports on the endorsements process employed by BAD Campaigns and others. One reform might be requiring designation of recommendations which involve contributions to the slate's producer, and possibly disclosure of how much was paid, Lowenstein says.

Tom Houston, current chairman of the FPPC, says the commission will get staff recommendations this month on regulations and legislation to prevent abuses in "commercial" slates. The staff was directed to prepare legislation giving the FPPC authority to enforce and levy fines for violation of the "disclaimer" law required of non-official slates in the primaries. Houston says the attorney general's office and district attorneys are currently "looking the other way."

The staff recommendations will also try to deal with requiring disclosure on slates that money was paid for some of the endorsements. There may also be a workshop at which the State Bar and other interested groups try to develop improved methods for helping voters on judicial choices.

At the end of January, Houston's term on the commission ends. One holdover member of the commission was appointed by Governor-elect George Deukmejian under his entitlement as attorney general. The new governor will also get to appoint a successor to Houston and one other member, giving him three appointees on the five-member commission. Whether that new commission will be eager to push for reforms in slate mailings remains to be seen.

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'THE MOST DIVERSE GROUP OF PEOPLE I'D EVER SEEN'

Exodus of the eclectic: farewell to Jerry Brown's 'family'

By HERB MICHELSON

"I've always thought," says ex-Brown labor expert Marty Morgenstern, "that Jerry was the kind of guy who's gone through life writing down names. Names from high school. Names from the seminary. People from Berkeley. Names from Yale Law. Collecting these names with the idea that someday, someplace, he'd use these people. Which is what he did. And he knew where he could find them."

The comingling of personalities from Jerry Brown's yearbooks extended, with some casualties, for eight years. Now all of the eclectic bunch — Brown's version of "the best and the brightest" — have dispersed. They are off to law firms, campuses, foundations, judicial benches and book-manuscript deadlines.

"The governor keeps telling me," said Brown's chief of staff B. T. Collins in the waning days, "that he has only three immediate plans in his mind: 'I'm going to write a book,' he says. 'I'm going to run a marathon. And maybe I'll get married.'

"So I tell him, 'Why don't you read a book while you're running a marathon, and then maybe along the way you'll see a woman you'll want to marry.' "

If this is Jerry Brown's second "new spirit," it certainly is more subdued than the one which the new governor brought with him to Sacramento in 1975. The early Brown appointees were, in the main, lawyers with backgrounds in California Rural Legal Assistance, the American Civil Liberties Union, public defender offices, non-profit/public-interest law firms. J. Anthony (Tony) Kline, now in the state judiciary, was a former president of Public Advocates of San Francisco and in charge of the initial screening of applicants for the Brown Administration. (Kline was one of those names Brown had written down years earlier — they'd been classmates at Yale Law School.)

From the days at St. Ignatius High School in San Francisco came the jotted-down names of Phil Favro, eventual state fire marshal, and Baxter Rice, eventual director of the state Alcoholic Beverage Control agency. Rice was written down twice: He'd also been with Brown at Sacred Heart Seminary in Los Gatos.

From Brown's pre-seminary interlude at Santa Clara University came Marc Poché, initially Brown's director of programs and policies and thence into the judiciary, and Frank Schober, eventual honcho of the California National Guard. Rose Bird was the key name in the notebook from Brown's UC Berkeley days, while Yale contacts included Kline and Donald E. Burns, the first in a succession of Business and Transportation Agency directors.

To this nostalgic mix the governor added other women — Resources Agency Secretary Claire Dedrick, Veterans Affairs Director Virginia Mae Days, Office of Aging Director Janet J. Levy, appointments aide Carlotta Mellon and corrections systems executives Ruth Rushen and Pearl West. Department chiefs Alice Lytle, Beverlee Myers, Adriana Gianturco and Mary Ann Graves would come along later.

Minorities? The largest agency, Health and Welfare, fell to Mexican-American Mario Obledo, the prison system to Japanese-American Jerry Enomoto (later dislodged for Rushen, a black woman).

The precise gestures

Some of the appointments, a few folks said, were gestures. A former poverty lawyer who became Brown's Employment Development Department director, James Lorenz, wrote that "when it came to selection of a gesture, Jerry was as precise as a Zen flower arranger." Lorenz' book *Jerry Brown: The Man on a White Horse*, was published after Lorenz became the first major Brown appointee to depart the administration.

"I could see the green light go on in Tony Kline's eyes the moment I told him about Enomoto," wrote Lorenz. "It was perfect, a Horatio Alger story in one sentence. A Japanese-American who had been jailed in a World War II detention center was being appointed head of California's prison system.

The Obledo case, said Lorenz, "was another example of how Jerry used the appointment power for symbolic effect . . . The welfare department was now part of Obledo's domain; his family had been on welfare."

Whatever the reason for Obledo's appointment, he never truly was one of the Brown bunch. He pulled out early in 1982 to make an unsuccessful run for the Democratic nomination for governor and has since been doing legal work for the United Farm Workers.

Old-line government observers blanched at Brown's mix of young, intellectual, new-wave ingenues. Collins, who didn't join the Brownies until two years into the first term, called the collection "the most diverse group of people I'd ever seen in my life. They weren't really lefties or righties. Couldn't label most of 'em. But the fact that they had no real background in government cuts two ways: You got, in the positive sense, fresh people taking a fresh look, okay? But

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you also need people who have respect for the institutions of government, and it took most of them a while to learn that — to learn to stroke the right people in the bureaucracy, to learn to get along with the old soldiers of bureaucracy.

"The mistake I think the governor made in those early years was not backing his fresh, innovative people with old pros — with more Ray Procuniers (a Reagan appointee who ultimately became a vital utility man for Brown)."

Some people on the early Brown staff accepted the cliché that bureaucrats are not competent, and this arrogance cost them. The governor himself eventually decided to go around some of his appointees and get the facts he needed — and the work required — from credentialed bureaucrats. But before he started those end runs, there were inevitable clashes. "You had career people having to deal with people who asked 'why?' — and that was the major problem in Brown's early years," says a former high-level administration appointee.

"The best of all possible worlds is having innovative leadership consulting competent bureaucrats. But bright people need a very strong hand to guide them — and that was the problem, that was the weakness. The leader, the governor, was not strong enough to make sure that all of these people he brought together didn't go off in their own directions. He didn't always make it clear that there were limits and what the directions were, and so it became somewhat chaotic. But don't be too harsh with Jerry. It was a time of yeastiness, of ideas and abstractions and energy. And nobody's perfect."

Morgenstern, too, remembers the vitality. He put on a Brownie uniform in September of 1975. He had been a negotiator for state employees and "Rose Bird kind of picked me

Where they're going . . .

"You'll hear from a lot of Jerry Brown's people again," says ex-chief of staff B. T. Collins. "Huey Johnson's victories for renewable resources will be hailed as time goes by. Five years from now, Adriana Gianturco's position for mass transportation will be proved right. And some of the people will publish."

Many of the people announced their plans within a few weeks after the November election. But not all of the high-powered Brownies have made career choices or have, in fact, any offers.

"I suppose," says one of those in this category, "that everybody thinks you can step right into some other big job — that employers are out there standing in line to hire you for important positions at big money. But that's not true. A few of us are going to have to face rejection, and we're not the type of people who are used to rejection. Sure, we were aware that these jobs weren't going to last forever. But the change is still emotionally difficult, believe me."

Here are some of the people making these changes, not, in every case, difficult:

- **B. T. Collins** — "I suppose I could lobby. Or there's something an old Army buddy wants me to do — change the shape of American education. But my skill is as a consensus-maker, and where do you find jobs like that? Whatever I do, as of February 15th no one is going to remember who the hell B. T. Collins is anyway." (There was some advice, from fellow Republicans, that Collins make a run in 1982 for the state superintendent of public instruction slot. As the race turned out, Collins might have won.)
- **Gray Davis** (Collins' predecessor as chief of staff) — Now an assemblyman from Los Angeles' 43rd District. "He blew a chance to be lieutenant governor," says Collins.
- **Adriana Gianturco,** Caltrans director — "My first obligation is to complete a book manuscript. I've got a great deal to say about a great many public issues — and personalities. After I finish the book, I'll weigh the private options I've been presented. Ultimately, I have interest in being a commentator — either on television or in newspaper column form."
- **Alice Lytle,** secretary of State and Consumer Services — A judgeship loomed; otherwise, a top slot in private industry.
- **Beverlee Myers,** director of State Health Services — Will lead, in June, a 31-member delegation of public health officials to China and the Soviet Union; then, probably, a UCLA professorship.
- **Huey Johnson,** Resources director — Leadership of an environmentally oriented new political party — The Greens.
- **Lynn Schenk,** secretary of Business, Transportation and Housing — Law practice in San Diego, with a run at political office to follow in 1984.
- **Doris Alexis,** director of Motor Vehicles — "After 29 years, I'd have no problem going back into a (DMV) section" as a plain old civil servant, she says.
- **Ruth Rushen,** director of Department of Corrections — Three days after the November election, she announced she had accepted a teaching position at USC and an instructorship at the National Corrections Training Institute in Boulder, Colorado.
- **Byron Georgiou,** legal affairs adviser to Brown — Law practice in San Diego.
- **Ron Robie,** Water Resources director — A judgeship loomed.
- **Ed Roberts,** Department of Rehabilitation director — Plans to establish a research institute devoted to independent living centers for the disabled.
- **Mary Ann Graves,** Finance director — A return to the banking industry.
- **Mary Nichols,** Air Resources Board chairwoman — Private legal practice in environmental protection cases.
- **David Janssen,** General Services director — Return to a civil service slot.
- **Richard Rominger,** Agriculture director — Headed back to the family farm.
- **Marion Woods,** Social Services director — "I'd rather tend bar than work for government again."

And what of some of Brown's earlier appointees? Tony Kline, Rose Bird, Virginia Mae Days, Marc Poché and Paul Halvonik moved on to judgeships. Don Burns is in private law practice in San Francisco. Bob Gnaizda returned to public advocacy law in San Francisco. Tom Quinn went back to the family's City News Bureau in Los Angeles. Jim Lorenz wrote a book. Pearl West retired. Claire Dedrick moved from Resources boss to the Public Utilities Commission to the Lands Commission. Marty Morgenstern took an appointment to the Public Employment Relations Board. San Diego financier Dick Silberman, briefly Finance director and chief of staff, went back to financiering in San Diego.

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out of a crowd. I remember the first time I walked through the governor's office with Rose, and it was like the old days with the Social Workers union in New York: tumult and shouting, a lot of paper, the governor writing his own press releases, everyone running around while they were working. Just a whole lot of excitement."

Most witnesses to this tumult and shouting remember three key phases in the eight-year run:

- **At first Governor Brown** wished to do everything himself, play with every part of his new toy and play until very late hours. Predecessor Reagan was a 9-to-5er; Brown was a night person, and if one wished to be in the governor's inner circle, it was necessary to burn the candle too. If you were not there when the governor needed you, you would soon learn that you wouldn't be needed very much anymore.
- **Then there was a** transition period as Brown learned to trust, to accept, the leadership of his chief of staff, Gray Davis, who had arrived after the June 1974 primary. The frantic somersaulting in Brown's executive offices, the end-arounds, the endless labors of the harried clerical staff seemed to ease when Brown made his first, and belated, run for the presidency in 1976. "His interest in the first two years was focusing on everything," says an ex-aide. "Then his interest became running for president."
- **"After that campaign,"** recalls Morgenstern, "Jerry's work habits started changing. "He would say, '9 to 5 is not a bad idea.' " Davis became more of a surrogate governor. And there were more campaigns — re-election in '78, another futile pitch at the presidency in '80, the Senate chase in '82.

The Brownies who survived the crisis-oriented style of 1975-76 were left, after '76, rather on their own. The inner circle — the folks within the governor's office in the Capitol — circled the wagons. The staff always was remarkably loyal. "Intensely loyal," says former Assemblyman Mike Gage, who was something of a loyalist himself during the 1980 presidential primaries. "Any public official's staff tends to be loyal," Gage adds. "Each of us likes to think our own staff has a unique brand of loyalty. But in a way Jerry's staff went beyond mere loyalty. They were — are — family, and rarely do you see that. In a numer of instances, his staff members abdicated their own lives, personal lives."

Outsiders called Brown's women staffers "The Nuns." They and many others often served above and beyond the call — making political contributions to one or all of Brown's statewide and national campaigns, or using their vacation time and personal expense money to work on presidential primary campaigns.

Of all the Brownies — including even Jerry's yield of agency bosses from the San Francisco Zen Center (Huey Johnson of Resources, Alan Rothenberg of Business and Transportation, plus State Architect Sim Van der Ryn) — Jacques Barzaghi has always been perceived as the most offbeat. Barzaghi was a name Jerry wrote down after a 1971 Hollywood cocktail party. He soon became a functionary in Secretary of State Brown's office and eventually Brown's closest friend. Barzaghi helped to remodel Brown from a political "Pigpen" into a fellow of pinstriped bearing. If Brown continued to live privately as if he were still in a college dorm, he at least, after Barzaghi, emerged from that dorm in a suit and tie.

"So many of us," Collins says, "were non-entities before we joined this governor. He made us something. He gave a lot of people tremendous opportunity to show their stuff, and I hope they show their gratitude. Reagan's secret was keeping all of his top people from Sacramento together, or at least on tap. I don't think Jerry will do that. He doesn't think about things like that, talk about them. At least not openly. But I tell you — he's a warrior. Public service is something he's got to do."

In what way, though? Several Brownies believe their old boss will run a foundation, will find an issue, a platform, a posture which will provide him a living and the sustenance of ink-media attention. "He wants a forum," says one former staffer. "Something in which he can keep his ideas flowing. I see Barzaghi sticking around as a sort of media consultant to Jerry. Maybe something to do with movies. And I suspect two or three of 'The Nuns' will stay with him, as staff."

"Not many of the old gang will turn their back on him," says Morgenstern. "You won't see a total dispersion. There'll still be a retinue, and you'll see some public enterprises."

Brown has always been philosophically prepared for change. At gubernatorial midstream, he said, "I think it's good to not stay in one position too long. I see the value of moving on. You develop a whole structure and context, and at some point it can become counterproductive. An institution shouldn't depend on one personality. The idea of changing — that you put one person in charge and then after a while you let him do a more mundane job and bring someone else up — that's classical in the Jesuits. It's a good idea."

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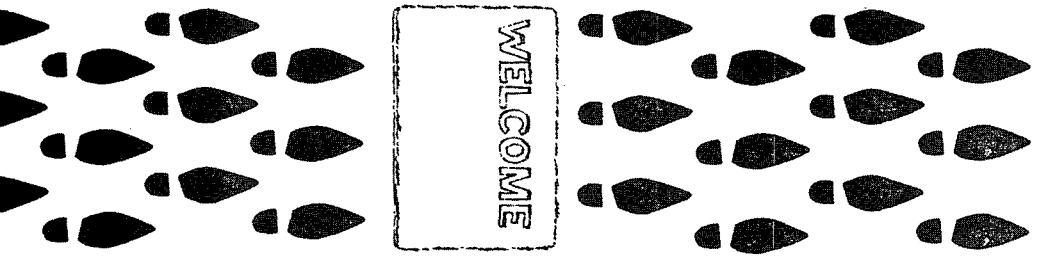
Avoiding the limelight: the new governor's top team



By JAMES R. CARROLL

Steven Merksamer fingered the hairs on his upper lip and smiled. "I think one of us is going to have to shave off his moustache," he joked.

It was a rare moment: a member of George Deukmejian's team kidding about himself and the two other look-alike men who comprised the transition troika, Michael Franchetti and Kenneth Khachigian.

They don't joke around much in the rarified air of the upper echelons of the new Deukmejian Administration — at least not publicly. This is a serious bunch. Hard-nosed, no-nonsense, low-key, down-to-business. Clearly, they are not the "let's-get-it-on-the-6 o'clock-news" extroverts that surrounded Deukmejian's predecessor, Edmund G. Brown Jr. The three don't appear to have the slightest inclination to become better known to the general public or — even worse in their view — media superstars. The razzle-dazzle, sometimes aimless, sometimes exhilarating leadership style of the Jerry Brown years is definitely gone.

For that, Deukmejian's people are certainly making no apologies. The voters, by their figuring, have had enough excitement for a while. So, although Merksamer, Franchetti and Khachigian may all look like Groucho, they aren't the Marx Brothers.

'Stevie Wonder', chief of staff

Merksamer, 35, headed the transition effort and early this month becomes Deukmejian's executive secretary and chief of staff. It is a powerful post in which Merksamer will play a key role in shaping the direction of the new administration.

Interestingly enough, the man who will be Deukmejian's right hand didn't even know him five years ago. Merksamer met the future governor in October 1978, a month before the elections. Then-Senator Deukmejian was the GOP candidate for attorney general and wanted a briefing on the civil division of the attorney general's office. Merksamer, then a deputy attorney general, was asked by Franchetti (at that time legislative liaison for the attorney general's office) to brief Deukmejian. Merksamer, Franchetti and Deukmejian spent an hour and a half over lunch in a Sacramento restaurant. "I was impressed then, as I am now, with George's tremendous working knowledge of government, and with his sincerity," Merksamer recalls.

Merksamer was not involved in politics in 1978, and in fact was planning to leave the attorney general's office to go into private practice. He told Deukmejian that when they next met in January 1979. At the new attorney general's request, Merksamer also offered his opinions about how the office should be run, and suggested a few things Deukmejian might want to accomplish. At the end of their conversation, Deukmejian exacted a promise from Merksamer not to leave for at least another month. At the very end of that month, Deukmejian asked Merksamer to be special assistant attorney general, a senior post that involved directing policy, keeping a handle on the office's massive caseload, and flagging particularly important (and occasionally politically sensitive) cases. Merksamer cancelled his plans for private practice.

The son of a Sacramento jeweler who has built the business into three stores in the capital city area, Merksamer showed an early interest in politics. He majored in political science at Claremont Men's College and was president of the Young Republican Club there. In 1966, he was Sacramento County chairman of Youth for Reagan. He was also a volunteer in then-Assemblyman Houston Flournoy's campaign for state controller. In 1967, Merksamer was a legislative intern for then-Assembly Minority Leader Robert Monagan, and later was a majority consultant when the GOP briefly controlled the Assembly. As he approached graduation in 1969, Merksamer joined the staff of then-Lieutenant Governor Ed Reinecke. He started in the scheduling office, later wrote speeches, and finally became a senior policy adviser.

By his mid-20s, Merksamer felt the pull of the law was stronger than politics. Ed Meese, then chief of staff to Governor Ronald Reagan, urged the young politico to go to law school. Merksamer did, receiving his law degree from the University of the Pacific's McGeorge School of Law in 1975. When he got out, friends figured he would use his political connections for a well-paying job. But Merksamer wasn't interested in that. He took the civil service exam, passed, and went to work in the attorney general's office in an entry-level position.

It wasn't long before Merksamer was on the rise again. Then-Attorney General Evelle Younger made him a deputy attorney general. When there were court challenges to the constitutionality of Proposition 13 in 1978, Merksamer was part of the legal task force that successfully defended the property tax-cutting measure. As his stature grew even more under Deukmejian, Merksamer earned the nickname "Stevie Wonder." Every major case the attorney general's handled had Merksamer's fingerprints on it somewhere. He was personally involved in pushing the suit against Los

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Angeles schools that alleged "cruel and unusual punishment" because of the number of crimes being committed against students; the defense of the so-called Victims' Bill of Rights; and even Deukmejian's attacks on the philosophical leanings of Brown's Supreme Court appointees.

Merksamer intends to be perhaps one of the most invisible chiefs of staff in the governor's office in more than a decade. No high-profile style like Brown's two chiefs, Gray Davis and the perpetually irreverent B. T. Collins. "I'll be more low-key. I won't be nearly as funny as B. T.," says Merksamer, grinning slightly.

© California Viewpoint/James C. Dutra

Khachigian Franchetti Deukmejian Merksamer

But all this doesn't mean Merksamer won't be a strong figure in the administration. "I do think it's important for the chief of staff to impose, to ensure that there's some discipline in the process, some integrity in the process," Merksamer says. "The governor is a very organized man, and a very disciplined man. And he likes a system . . . He'll be making the decisions and I'll be making sure they are carried out in the manner that he wants."

'Miracle man' for finance

Franchetti has shown his talents for staying out of the limelight are equal to Merksamer's. During the transition period now ending, Franchetti was always "too busy" with putting together the fiscal 1983-84 budget to take time out for interviews with reporters. And despite warnings in early December from various analysts and state officials that the current budget could be as much as $2.4 billion in the red by June, the new director of finance remained incommunicado.

Franchetti was doing such a good job keeping Deukmejian's budget plans under wraps that despite the fact that Finance Director Mary Ann Graves had turned her entire staff over to her successor, she told legislators she didn't have any idea what was being hatched.

A Redding native, the 39-year-old Franchetti is a graduate of the University of San Francisco and USF's School of Law. He served two years in the U.S. Army, earning a Bronze Star in Vietnam. When he got out of the service, Franchetti joined the state Department of Justice as a criminal trial and appellate lawyer. His job as liaison to the Legislature began in 1971. He was also Younger's liaison with Congress.

Just a couple of weeks after last November's election, Franchetti's role in a leak to the press during another campaign was revealed. Franchetti admitted leaking a confidential state document in 1978 that contained a false rumor that then-Lieutenant Governor Mervyn Dymally and his 1974 finance chairman, Hugh Pike, were about to be indicted by a federal grand jury. Franchetti disclosed his actions in a letter of apology last November to Pike. The letter was part of an agreement settling a libel suit by Pike.

The incident apparently did not shake Deukmejian's confidence in Franchetti, who in 1979 was named chief deputy attorney general. When Deukmejian began his gubernatorial campaign in earnest, Franchetti became the unofficial head of the department.

There have been a few rumblings in Sacramento about Franchetti's lack of experience in finance matters. Khachigian is quick to defend Franchetti. "Mike's great asset that he brings to that job is that he's got good judgment, and he's not afraid to make a decision," Khachigian says. "If he needs technical stuff, there are 150 technicians in that department he can turn to."

Franchetti's major test, of course, will be whether he can come up with a way to keep the state's budget balanced without new taxes, as Deukmejian promised during his campaign for governor. Says Deukmejian of his finance director: "He's a miracle man, like I am."

The 'big picture' expert

Khachigian is the one man around Deukmejian who seems to be trying to subdue the urge to play a practical joke on someone. One of the most outgoing of Deukmejian's insiders, Khachigian also seems more relaxed than some of his colleagues when talking to the press.

Transitions are not a new experience for Khachigian. A consultant to Ronald Reagan's presidential campaign beginning in 1979, Khachigian later helped during the White House changing of the guard from Jimmy Carter to the former California governor. Khachigian served for a few months as a consultant and chief speechwriter to the new president, then decided it was time to head back home to San Clemente. Khachigian intends to do the same thing this time, serving as a special consultant to the Deukmejian transition but turning down offers to take a formal administration post. Instead, he'll be one of those people the governor will call on from time to time for advice and perhaps special assignments.

Why doesn't Khachigian want a full-time job in the Deukmejian Administration? The main reason is that he likes his lifestyle in Orange County. His one-man consulting firm which he started in 1979 is just a mile-and-a-half from his house. "The main thing is, we've sort of put down roots here," Khachigian says. "I'd like to keep the stability I've got."

Born in Visalia, Khachigian is a graduate of the University of California-Santa Barbara and received his law degree from Columbia University Law School. Despite his current associations, Khachigian comes from a family of Democrats. But he said that as he grew up, he found himself "more conservative than those around me."

From 1970 to 1974, Khachigian served as staff assistant and then deputy special assistant to President Nixon. After Nixon resigned over the Watergate scandal, Khachigian helped the ex-president for three years in the writing of his White House memoirs.

Khachigian's importance in the Deukmejian campaign was providing strategy and overview, as well as writing major policy addresses for the candidate. The Deukmejian inner circle views Khachigian as the philosophical anchor of the transition team, the "big picture" man.

"On the whole, that's probably true," Khachigian said. "I've not been on the nuts and bolts end of things, really, although I'd like to be sometime."

In the middle of the transition period, Khachigian described his role this way: "George will be setting the tone. One of my missions will be to help verbalize that . . . But he doesn't have any Svengalis. We don't manipulate him or tell him where to go. He has pretty good ideas of his own about what he wants to do. He has thought about this a lot."

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ANSWERS FROM THE PAST FOR CALIFORNIA'S HOUSING CRISIS

By MARGARET AZEVEDO

It's not easy to kill the traditional American dream of owning your own home. After years of formidable interest rates and skyrocketing costs of land and construction, that dream still persists. But when would-be buyers awaken to the California market realities of the '80s, they confront some painful choices. So do builders, bankers, planners, legislators and current home owners.

The key question for all of them is how affordable living space can be provided for the state's growing number of households, given the existing financial and political elements. The answer: It can't. Changes are inevitable — in areas like home design, local zoning, mortgage financing and family lifestyles. And those changes likely will restore some patterns of the past while adding innovations for the future.

Here are just a few "old" answers to the new housing crisis:

- **A recent UC Berkeley study,** "Underutilization in American Housing," recommends that current building and zoning codes be relaxed so that needed new apartments can be created in single-family homes too large for modern households. The "granny cottage" in the back yard or the attached in-laws' apartment were common fixtures of family life two generations ago.

As much as 15 percent of the nation's housing is "severely underutilized," according to the study, because of a decline in household sizes and an increase of "empty-nester" parents. Because building costs are rising faster than incomes, secondary living units are the only form of affordable housing that can be produced profitably in large quantities and without subsidy, the UC report says.

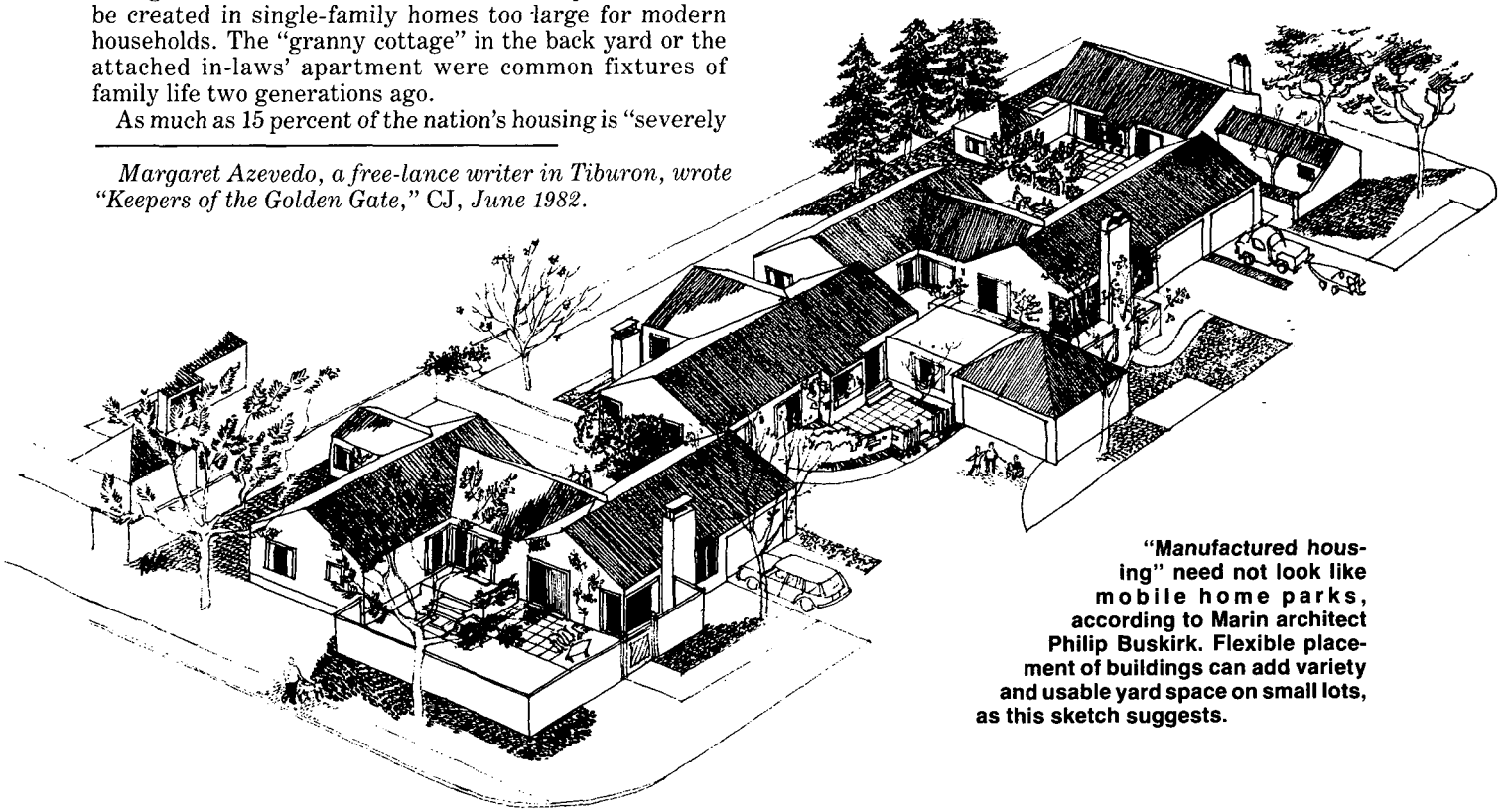
- **In an affordable-housing** competition in Sonoma County, several architects eliminated central heating as too expensive. Many of them used wood stoves for primary heat sources, and all designs featured some form of solar heat.
- **To cut costs,** a growing segment of the home-building industry is recycling old ideas for mobile homes, now referred to as "manufactured housing." Such models can be built in a factory, trucked to a prepared site and mounted on permanent foundations for a fraction of the cost of conventional construction.
- **A "Corporate Housing Action Guide,"** published last month by the Bay Area Council of 250 major corporations, urges businesses to get involved in their employees' housing needs — even to the extent of leasing excess corporate land to developers or building company homes.

No geodesic domes

The housing industry is not revolutionary by nature, and young home-buyers apparently aren't seeking radical change, either. Two recent studies of housing trends — one from the Urban Institute and the other from the U.S. Department of Forestry — predict that housing demand during the '80s will be heavily concentrated in single-family homes and owner-occupied units, more so than in the past two decades.

So when the city fathers and mothers of the little Sonoma County college town of Cotati announced a contest entitled, "Can the $20,000 House be Built?", they didn't mean condominiums. (Cotatians were already in revolt against the con-

Margaret Azevedo, a free-lance writer in Tiburon, wrote "Keepers of the Golden Gate," CJ, June 1982.



"Manufactured housing" need not look like mobile home parks, according to Marin architect Philip Buskirk. Flexible placement of buildings can add variety and usable yard space on small lots, as this sketch suggests.

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Concrete floors, walls and ceilings save energy in this solar-design competition winner near Riverside.

dominiums that had been built or were proposed in their town.) They asked for houses, and houses they got: Thirty-eight different design teams entered the contest.

Anyone expecting the exotic or the futuristic would have been disappointed; there wasn't a single geodesic dome submitted. The entries were simple, conventionally built houses using mostly ordinary materials. "We wanted to use innovative materials," one designer admitted, "but they turned out to be too difficult to get, or to keep cost control of, or to teach workmen how to use."

Economy was achieved through small size (643 to 893 square feet), inexpensive materials (plywood, composition shingles and the like) and elimination of central heating. All have solar heating and use wood stoves and hot water heaters for back-up. All are up to code.

Twenty-two houses will be built, utilizing the six winning designs. The buyers, when they have paid the costs of design and construction and their share of the land cost, are expected to get their houses for around $40,000. Land development costs ($120,000) were covered by a federal grant. The density will be 11 to the acre.

Would the Cotati houses go over in other places? Cotati planning director Paul Andre Schabracq thinks so. "Some of them are really innovative," he says, "in the ways they are heated and cooled, in division of space, use of materials, and use of modular type construction."

One articulate advocate of manufactured housing is Marin architect Philip Buskirk. "It's been around for a long time," he says, "but it's got to improve its image. I don't think the industry has gone very far in making the damn things look good. But they can look good."

Buskirk finds nothing intrinsically wrong with the simple rectangular shape dictated by the laws governing loads on the highways along which factory-built houses must travel. He envisions manufactured homes of about 1,200 square feet, reminiscent of 17th century "saltbox" architecture in New England. Then he would design a subdivision for them, with about seven units per acre, but avoiding the usual rigid arrangement of mobile home parks. Buskirk suggests placing some parts of the structures at the lot line to create more usable yard space and to leave room for additions.

A manufactured house can be built today for $20 to $25 a square foot. The price would rise with enhanced design features, garages, fencing, landscaping and land costs. If there were concessions from local government permitting narrower streets and paths instead of curbs and sidewalks, costs could be reduced considerably according to Buskirk. "If you could save just 10 percent on land improvement costs, 10 percent on the cost of the house (over stick-built houses), and 10 percent on financing, you could sell it for $80,000," Buskirk says.

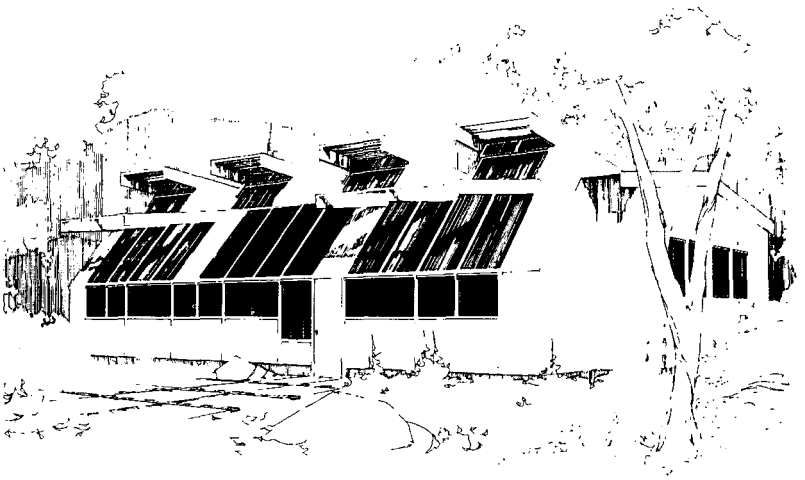
The architect also suggests that developers find and organize prospective home buyers, even before the subdivision map is submitted to the local planning department. If would-be buyers put down about $500 in "risk" money to cover governmental processing and create a homeowners' association, then they would be ready to appear at public hearings to do battle for approval of their subdivision if need be. The political clout of hopeful young home buyers would add strength to any developer challenging restrictive zoning or building-code laws, Buskirk suggests.

Caught in the middle

Such housing trends are provoking differing reactions from government. In general, they have been well-received in Sacramento, where the outgoing Brown Administration has provided encouragement and support for experiments in energy-efficient and affordable housing. A passive solar design competition, sponsored by the Energy Commission and the Governor's Office of Appropriate Technology, prompted national interest in 1979. In the single-family category, two low-priced winners were constructed in opposite ends of the state: a concrete-walled ranch house (Robert Van Roekel, $51,150) in the Riverside area, and a "greenhouse envelope" design enclosing a standard mobile home (Dave Schleiger and Tom Schlageter, $50,400) near Oroville.

In the Legislature, too, some developers challenging local building restrictions have found support — but probably more for political than philosophical reasons. Several have sought bills granting exceptions (and permitting profits) which they couldn't wangle from local governments.

By contrast, at city and county levels the volatile issues of building codes, zoning laws and population densities often



A "greenhouse envelope" built around a mobile home near Oroville adds living space and energy-saving capability.

pit special interests against each other in heated combat. Local planners and politicians are usually caught in the middle.

In last year's legislative session, state Senators Henry Mello and David Roberti authored a successful bill which authorizes second living units in single-family-home areas. Other legislators have introduced bills designed to loosen up zoning practices in various communities — practices which allegedly constrict the supply and add to the cost of housing. In recent years laws have been passed to prohibit bans on mobile homes from legal lots and subdivisions; to allow higher residential densities and to simplify approval processes. In 1982, the Legislature passed bills that require more specific jurisdiction for disapproving developments, restrict imposition of new conditions after tentative map ap-

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proval, limit the size of mandatory park dedications and ask that environmental impacts be dealt with by mitigation measures rather than by reducing dwelling units. Then in November voters approved a $200 million bond issue, proposed by Assemblyman Bruce Young, to aid first-time home buyers with short-term mortgage assistance.

Most of the new state laws, however, lack enforcement mechanisms and do little more than provide a basis for civil suits, a remedy not available to all. It is on the local planning scene that the biggest battles are fought.

"There needs to be a whole new cast of characters in the political arena of housing issues," says Jim Smith, city manager of Redwood City. "Councils are tired of the same superficial environmentalists who really have selfish 'drawbridge' interests — and of housing industry spokespersons who want to pave the Bay."

In the "Corporate Housing Action Guide," business leaders are encouraged to increase supply and "affordability" through financing and developing of homes for employees. "Business has traditionally viewed housing . . . as a 'given' that determines locational decisions but (is) essentially beyond corporate influence," Guide authors say. "But now the high price and inadequate supply of housing in the Bay Area are exacting a growing toll on businesses."

Part of the problem

Generally, local elected officials do not concede that they are part of the housing problem. The League of California Cities recently conducted a survey that demonstrated, the League said, that "local government land-use regulation and the local building-permit process are not significant factors in the current slowdown in housing construction in California."

From 1979 to 1981, 516,000 residential units were approved by the 200 cities and the 32 counties that responded to the League's questionnaire. (To put that figure in perspective, the state Department of Housing and Community Development says 387,000 new dwellings must be built *annually* between 1981 and 1986 if California is to meet its needs.) But only about one-fifth of the permits issued were actually built upon. So, the cities and the counties told the League, blame the high prices of construction, land and interest rates, plus the lack of construction financing; don't blame us.

Developers and designers argue that those factors do not operate independently of government regulations. Density, land development requirements, and processing time all affect ultimate cost per unit, they insist. One example: A developer in Marin County hoped to build some condominiums at $100,000 per unit. By the time the city council had cut the density in half, imposed design changes, taken fees for a traffic light, city parks and the fire department, set aside one-third of the 15-acre site for open space, and required that 13 (out of 128) units be sold at cost for moderate-income households, the units had doubled in price. The requirements were in excess of those contained in the community's general plan or indicated in the environmental impact report. The final approved density was actually negotiated between the developer and the five neighborhood associations that had opposed the project.

"The neighbors want to preserve the environment they have," a city councilman explained. "You might call it 'ambience'."

Developers use such examples when they ask state legislators to meddle with local planning prerogatives. They claim that between the ambience which a neighborhood wants and a lower-but-still-adequate level of ambience, there is a gap into which more housing could go.

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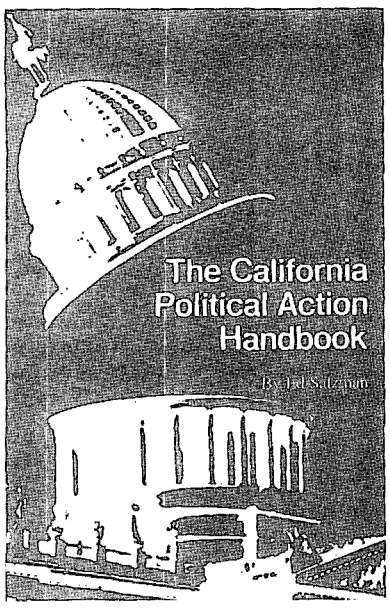

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How to 'do the Bob Presley' — listen, compromise, wait and win

By RICHARD ZEIGER

Senator Robert Presley has a confession to make. "I'm not what you'd call ruthless," says the Riverside Democrat.

That flaw, which can at times be fatal for a politician, is one of two things standing between Presley and the job he covets — being president pro tempore of the California state Senate.

The other obstacle in Presley's path is the current head of the Senate, David Roberti of Los Angeles. Roberti, who won the job two years ago by ousting Senator James Mills of San Diego, says he has no intention of leaving the job willingly. And Presley, who had been waiting in the wings to succeed Mills, is unwilling to try and wrest the job from Roberti — at least at this point. "I'm not interested in being a rabble-rouser," says Presley.

Hardly.

Presley, 55, is probably every citizen's vision of what a senator should be. He's patient, honest, hard-working. He has a head full of silver hair and a firm handshake. His voice betrays a slight trace of his Oklahoma roots. His clothes tend toward polyesters, bought off the rack in a Riverside clothing store.

He is conservative in dress and philosophy. The issues where he deviates from a traditional conservative line, such as air pollution, are deviations that apparently meet with approval from his constituents. The former Riverside County undersheriff seems to be getting more and more popular back home. The voters just sent him back for his third term. His district is considered marginal for a Democrat, yet Republicans could find no one to run against him. He conducted a write-in campaign and ended up the candidate of both major parties in the general election.

"Unlike a lot of politicians, Presley never has to stop and figure out what the people in the district will think about an issue," says a former Presley staff member. "He *is* the district."

Richard Zeiger covers the Capitol for the Riverside Press-Enterprise.

There are plenty of reasons for Presley's constituents to be proud of him. By every measure he is the Senate's most successful author, and perhaps the best in the entire Legislature. For the past two sessions, he has had a higher percentage of bills passed than any other lawmaker — both times with well over 80 percent of his measures becoming law. A typical legislator gets half his or her bills enacted.

Furthermore, he authors more measures than most of his colleagues. He had the most measures enacted in the session that ended two years ago and was second this past session, with nearly 70 bills becoming law.

One of the reasons for Presley's success is his ability to compromise, to know just how much he can get from the various interests backing or opposing one of his bills. He also just plain hates to lose a bill, and he sometimes will settle for having very little in a bill, rather than see it die.

Probably most important for Presley, however, is that he plays by the rules — the rules each senator thinks should apply to everyone else, but that he or she is occasionally entitled to break. Presley never goes back on his word and is forthright about where he stands on an issue. He almost never authors a popular but unwise bill strictly for the consumption of some home-district constituents, then leaving it to his colleagues to do the most unpopular work of killing the measure. He is not one to put other legislators in embarrassing positions, either in public or private. Even Roberti, who of necessity is wary of Presley's activities, says, "I like him. You can't not like him."

As a result, his colleagues have rewarded him with positions of trust. He is chairman of the Joint Legislative Ethics Committee where both his unquestioned honesty and his penchant for not rocking the boat are appreciated. And until Roberti became pro tem, Presley held a seat on the powerful Senate Rules Committee. Although he had Mills' blessing for the job, Presley ran for it, and won, on his own.

His colleagues trust him because he has managed to be ambitious without seeming ambitious. "Whatever you're in, you want to rise to the top," says Presley with characteristic understatement. "I don't deny I may lack a certain killer

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instinct. If I saw a need, I'd be vigorous in pursuing it. But I just can't trample on people."

This passive approach may have contributed to some of Presley's setbacks in the Senate. For one thing, Presley stuck with Mills against Roberti to the very end, even when it was obvious Roberti was going to win. Presley said he promised he would support Mills, and he did.

Had Mills given up the fight when it was clear he no longer had majority support in the Democratic caucus, Presley might have been able to launch an independent challenge to Roberti at that time. But Presley never suggested such a course to Mills, and it's doubtful that Mills — clinging to the job during his last two years in office — would have been agreeable.

Nor was Presley the type to drop Mills and launch his own campaign for pro tem. Presley did try to hang on to his seat on the Rules Committee, the pentarchy of power that runs things in the Senate. He forced a vote in the Democratic caucus and lost 15-8 to the new Roberti leadership.

Presley also rejected another course that was suggested to him — that he form a coalition with Senate Republicans to make him pro tem, or keep him on Rules. Although Roberti discounts there was a serious possibility of this, Presley maintains he could have done it. The Democrats controlled the house by a 23-17 margin at the time, and Presley believes he could have found three Democrats to back him, if he wanted to make a deal with Republicans. As one of the more conservative of the Senate's Democrats, and an individual who is much less partisan than Roberti, Presley believes he would have been acceptable to Republican leaders. But Presley stayed within party ranks, and with Mills.

Roberti punished Presley's loyalty to Mills by backing Senator Barry Keene of Elk for Presley's seat on Rules. But because Presley had stayed away from actively campaigning for Mills, Roberti held off on worse punishment. Presley kept his assignments on the Judiciary and Finance committees and was made chairman of Natural Resources as a consolation prize. "He's a hard worker, and you just don't waste that kind of talent," Roberti said at the time.

Although Presley fits well in the Senate club, he is not what would be called "one of the boys." He doesn't participate in the socializing that goes on in capitol-area watering holes, nor does he go hunting, hiking or fishing with other lawmakers. In fact, few lawmakers are among his close friends. Most of those are from law-enforcement circles or are in Riverside.

"I'm a voracious reader," Presley says, "histories, mostly. I don't exercise in any systematic way, except for swimming and I do that just for the exercise. I don't play golf, I don't play tennis."

When it's time for a vacation, Presley just cuts down on the amount of work he regularly does. His ideal vacation schedule, he says, is to get up late, get into the office at the end of the morning, maybe go to a luncheon meeting, do a little afternoon work and then go home early. Not having any work to do bothers him. "But I don't think I'm a workaholic," he says. "I think I'm pretty relaxed about it."

Presley puts in long hours and almost always attends every committee meeting, even those held out of town for the benefit of some chairman's hometown constituents. And he is willing to listen to everyone.

"I wish I had Bob's ability to suffer through all the fools that come up here," once sighed Assemblyman Walter Ingalls, Presley's former Democratic colleague from Riverside who retired at the end of the last session.

Presley's patience is one of the reasons he is successful as an author. He made three unsuccessful tries at an automobile smog inspection bill before it was passed by the Legislature last year. It took him three tries to secure passage of a bill increasing penalties for possession of small amounts of marijuana on school grounds, a bill he believes will mprove discipline in school classrooms.

Not surprisingly, his major legislative interest has been law enforcement, and he has been the author of a major bill increasing criminal penalties as well as bills putting jail and prison bond measures before the state's voters. In addition, he is the author of a measure that has proved effective in reducing the amount of child pornography in circulation. Presley took a new approach to the problem and avoided First Amendment questions by attacking the problem through child labor laws.

But he has also authored bills that would be considered progressive for someone who is so conservative on law-and-order questions. He is the author of a measure providing money for battered-wife shelters, and last year he won passage of a bill that will restructure the way the state handles its child foster-care programs.

His concern with women's issues, primarily through his chairmanship of the Select Committee on Children and Youth, has won him the support of most feminist organizations, even though he is usually an anti-abortion vote.

Settling for less

His conservatism is more evident in his periodic projects seeking to find ways the state could save money, without any notable success. Last session he decided the state was spending too much money hiring outside consulting firms, and he introduced a bill that would require each state department to cut in half the amount it spends on consultants. Presley estimated the state could save up to $125 million. But as the bill went through the legislative process, it got progressively watered down to the point where most state departments could avoid making any cuts at all. There is some question if the new rules in the Presley bill will save any money.

This kind of compromising is not uncommon with Presley, and in large part it is responsible for his high success rate with legislation. In many cases, Presley ends up getting far less than he wanted. "You have to compromise legislative principles if you're going to be a leader, and for Bob, that's fine," says a former legislator who has tangled with Presley in the past. "That can be interpreted negatively. You can say he's not very willing to take unpopular positions."

However, most people who deal with Presley cite this ability to bargain as one of his greatest strengths. "I've seen him go into a room with two groups that couldn't agree and he'd just sit there and listen, and work with them until they reached some kind of terms," recalls a former Presley staff member. "It may not have been what anybody wanted. And it may not have been much. But it was something."

His ability to wait out opponents has become something of a cliché among his staff. "We started calling it 'doing the Bob Presley,'" says another staff member. "He got more done by just waiting until eveyone was so desperate they had to turn to him."

Presley comes by his folksy attitudes honestly. A native of Tahlequah, Oklahoma, Presley's first exposure to public life came from his grandfather, who was "a participant from the sidelines" in local politics. "I just followed him around," Presley says. "And he was always talking politics with the sheriff or the judge or whoever. People were always giving speeches on the courthouse lawn, political speeches."

But any political thoughts were dormant while Presley was in the service in World War II, attached to an infantry medical corps in Europe. After the war, he moved to Riverside where his wife, Ahni, had relatives.

He started with the Riverside Police Department and then moved to the sheriff's office where he remained for slightly under 25 years, working his way up through the

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ranks to the post of undersheriff, the department's number two position.

Presley took his first run at the Senate in 1972, his first try for elective office, when then-Senator Gordon Cologne was appointed by former Governor Ronald Reagan to the appellate court bench. His opponent was Republican Assemblyman Craig Biddle, now a Sacramento lobbyist. Biddle was better-known, particularly in the San Bernardino County portion of the district. He outspent Presley by about 2 to 1 and beat him in the special election by about 2,200 votes.

Two years later, when Biddle was up for his first full term, Presley again was the opponent. In a rough campaign, with each side accusing the other of unethical campaigning, Presley emerged the victor by 347 votes.

Presley confesses to being a little embarrassed by some of the things that went on in that campaign. "I was politically naive, and a lot of it I didn't appreciate or enjoy. Some of the outside people (brought in by the Democratic Party), I wouldn't let them do some of the things they wanted to do," he says.

Unfortunately for Presley, those outside forces were supplied to him by then Senator George Zenovich of Fresno, now an appellate court judge. Zenovich was a rival of Mills' for the president pro tem position and Presley felt obligated to side with the losing Zenovich in that campaign. But Presley did not stay with Zenovich, and Mills eventually began to reward him with better committee assignments.

Mills had a *laissez-faire* attitude toward running the Senate, allowing each senator his or her own small area of control. Presley says he would be more like Mills than Roberti, should he ever become pro tem. "It's a body of independent people," he explains. "To lead, I think what one has to do is to exact just as strong a leadership as is acceptable to the Senate as a whole. You can provide some guidance, but not to the point where people feel their independence is being infringed upon."

When Roberti took over from Mills, he promised a more partisan house, one that could compete on equal footing with the Assembly. Senators often felt they were trampled on by the Assembly members, where a more centralized form of leadership often gave the lower house and its speaker better bargaining leverage.

Roberti won the office because Democrats in the Senate were afraid they were becoming easy pickings for Republicans. They were particularly shocked by the defeat in 1980 of former Senator Albert Rodda of Sacramento, who was one of the most highly regarded senators.

The crucial test for Roberti came in last year's elections, and in his first effort — the defense of Los Angeles Senator Alex Garcia against the challenge of Assemblyman Art Torres — Roberti faltered. Although he spent an enormous sum of money supporting one of the dirtiest campaigns in a year when dirt was common, Garcia lost.

A call to Roberti

At that point, senators began to question if Roberti really was their best choice for leader. Talk turned to Presley as a possible replacement; he says "three or four" senators called him and urged him to challenge Roberti.

In typical Presley fashion, he called Roberti to tell the pro tem what was going on. "I told him that if I was going to challenge him, he'd be the first to know," Presley says.

Presley did little to further his chances to win the spot. Although he had no opponent and was sitting on the biggest campaign surplus of any senator except Roberti, Presley decided against using his funds to aid other senatorial candidates, thereby hoping to win their support the way Zenovich had won his.

For one thing, Presley noted he was the nominee of both parties, and he didn't think it right to campaign actively against Republicans when they had also made him their nominee. For another, as a former staff member notes, "There was no way he was going to be able to outspend Roberti. How could he win someone's support with a $10,000 or $20,000 contribution when Roberti was giving them $100,000?"

Roberti was well aware of the support developing for Presley. The word reached Presley that he might be able to get back his seat on Rules, once the elections were over. But Presley said he weasn't interested in getting back on Rules if it meant capitulating to Roberti.

"I don't want to be on Rules on their terms. I won on my own last time, and that's the way I want it," says Presley.

When the November election results were in, the Democrats had picked up two additional Senate seats, increasing their margin to 25-15. Talk of dumping Roberti stopped. "That pretty much put an end to it," Presley says.

Presley also confesses to some interest in other elected positions. He has periodically talked of running for Congress, although he turned away from a chance to run in an open Riverside County district last year. He also has thought about a statewide run for lieutenant governor ("If Mike Curb can do it, I sure can"), but not with any seriousness.

For one thing, he doesn't like campaigning. "I don't kiss babies," he admits. "I don't wear silly hats. I can't stand riding in parades. I feel silly sitting on the back of a convertible. But you do that sort of thing, if you have to.

"I do like to serve. I like to do the work. That's the part I do best."

And Presley certainly hasn't stopped being interested in becoming pro tem. "I'm just not going to do anything about it right now," he says.

He'll be busy, though, just "doing the Bob Presley."

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Playing fiscal hardball with the counties' welfare rolls

By HILARY ABRAMSON

In Sacramento and Washington, cuts in welfare programs make headlines — but down in the county courthouses, they make monumental headaches. It is at the county level that all the federal-state budget trimming and reform packages bump up against reality. And for county welfare departments from San Diego to Siskiyou, the results are bad and getting worse.

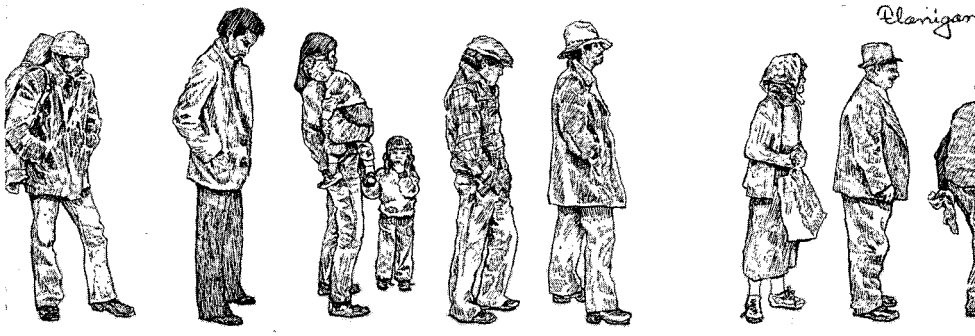
The major problem stems from the fact that counties are the support-of-last-resort for the state's most needy residents. Even though federal and state dollars pay for 95 percent of California's various $3 billion welfare programs, counties are responsible for "general assistance" to indigent persons who don't qualify for any other form of support. Each county defines indigency and support levels for itself; some counties traditionally have been more generous than others. As eligibility standards are tightened and benefits reduced in state and federal programs, counties wind up with a bigger chunk of the welfare chores — but without any more dollars.

Two recent changes have added to the burden:

- **As of September 30th, 1982,** families with two unemployed parents qualify for only three months of Aid to Families with Dependent Children, rather than 12 months. (The vast majority of AFDC recipients are children in single-parent households.) After three months, such unemployed parents must turn to general assistance from the county.
- **Starting January 1st,** all costs of medical care for general-assistance recipients also must be paid by counties. Until then, the state contributed to their Medi-Cal coverage.

How have counties responded to their welfare budget woes?

- **Siskiyou County's** supervisors passed a resolution requiring general relief applicants to consider the Army before applying for welfare. (Butte County had tried the same idea but failed in the wake of lawsuits.) The Siskiyou County policy has been in effect since mid-1981, but it has generated more debate than actual relief from a welfare burden that is compounded by lumber-industry unemployment in the area.
- **Santa Barbara County** began about two years ago giving applicants only one month of general assistance.



- **Marin County** — California's richest — did likewise until a year ago, when it found a better way to discourage welfare applicants. It sends them to CETA (the federal Comprehensive Employment Training Act program) and reserves its general-relief program only for unemployable persons.
- **Santa Clara County** followed Santa Barbara's lead last summer but discontinued the policy pending outcome of a Legal Aid class-action suit.

Room, board and work

But it is in Sacramento County that the state's most radical solution is being tried: sending the needy to a county poorhouse. Instead of getting a cash grant, persons who have qualified for GA since October 1st have been offered room, board and work in a dormitory building. If they don't accept, they get nothing.

First, an applicant must meet Sacramento's standards. These include proof that he or she is a county resident, not a transient; however, there is no minimum length of residency time. Then the applicant must show sufficient "neediness" — no more than $10 in cash or personal property, marketable property worth no more than $250 per family, and so on. Applicants may own a car or truck, but it can't be worth more than $1,500.

Then the new applicant must agree Volunteers to reserve half of their beds for eligible welfare applicants. (Medically handicapped persons and those on the GA rolls before October 1st are not affected by the program.)

In an average month, Sacramento County had been getting about 400 applicants for GA support. In the first three weeks of the poorhouse experiment, only six persons agreed to accept the new living conditions. But when the winter rains began, the county filled its half of the facility's beds and began moving welfare recipients into the half reserved for transients. By year's end, the dormitory was virtually filled with GAs. (If no bed space is available, new applicants can live wherever they wish and collect the average $149 monthly grant, plus about $70 in food stamps.)

At the facility, welfare employables must participate in public-service jobs three days a week, mainly outdoor work or filing in county offices. The other two working days must be spent looking for a job. Married couples are housed separately; all beds are segregated into male and female dorms. Breakfast consists of one cup of coffee, oatmeal and dry toast. If residents are

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not standing beside a bed for roll call at 9 p.m. and have not alerted a clerk in advance, they lose their lodging. Although the dining room has four television sets, no one is allowed to watch TV during meals.

According to Perce Lovseth, director of Volunteers of America, his organization must adhere to such military-like discipline to handle the full house. "We cannot afford to give everyone more than one cup of coffee," he says. (Annual county support for the facility now totals $118,625.)

Before Sacramento County welfare administrators developed the live-where-we-tell-you-or-you-get-nothing policy, general assistance cost $6.7 million and supported about 4,000 persons — 60 percent of them employable. "We have a problem in Sacramento," says Ralph Vigna, chief of Sacramento County's general-assistance program. "We had to find a deterrent to the demand for aid. Sacramento County bears a disproportionate share of the general assistance caseload in the state. Some small counties give next to nothing. We've been very liberal, and many people come here for our generous grants. This past July and August, we ran $95,000 over our budget during the same period last year. I'm really scared. As the federal and state governments force the counties to pay more than their share of welfare, it will get worse. No one has the answers."

Changing clientele

All over the state, the clientele for general-assistance programs is changing. Historically, most recipients were single men, middle-aged, alcoholic. Today, mainly because of rising unemployment, most applicants are young, employable, not transient. A profile of Sacramento's general assistance recipients reveals that 52.2 percent of those on general assistance have lived in the county for more than seven years. Twenty percent of them are 50 years of age or older; 17.4 percent of them are between 21 and 25 years of age. Most are merely unemployed.

Although controversial, the poorhouse project has captured the attention of welfare directors around the state. "There has been lots of curiosity about it," says Dennis Hart, Sacramento County welfare director. "Everyone has put his budget to bed for now, so I suspect it won't come up until this summer. Right now, other welfare directors have been collecting information about our program. Many have expressed interest. By summer, we'll have a track record and everyone will know more about how successful it is." (By then, the county will also know whether the Sacramento Legal Aid Society files suit, a move it is considering.)

According to Hart, Sacramento County is trying the poorhouse experiment to discourage applicants who don't need welfare without lowering the grant level for those who do.

"I would say that right now, Sacramento County is doing its own thing," says Jean Gervais, general assistance program manager for Santa Clara County. "But if it works in Sacramento and isn't found to be illegal, others will probably take a serious look at it."

Gervais thinks her county's approach to the problem is preferable. "Working off your grant isn't enough," she says. "To me, the job search should be stressed, and that's what we do. If they (GA recipients) get the idea they're working for money and like it, they don't concentrate on finding a job. We know it's difficult now, but we stress the job search. As I say, in the end that may not be enough, and stronger measures such as Sacramento's might have to be taken. But for now, it's something."

Other welfare officials in metropolitan areas express a common concern: Where will counties get the money to keep up with the growing need for the last-resort general relief?

"If the recession continues and the county doesn't have enough money, we may have to think about setting up group cooking facilities," says Lawrence Townsend, welfare director of Riverside County. "At least from the sound of it, Sacramento's plan allows that kind of activity for some recipients."

Jeff Knott, director of welfare in Contra Costa County where an average of 2,700 people are GA recipients, says he has no current plans to go the way of Sacramento. "But should our county have a rough winter, face another series of floods and disaster relief, what does a sensitive, responsible county board of supervisors do? We're being hit with human needs from every side. I just don't like to think about it."

Only Fred Thies, director of welfare for San Bernardino County, seems unconcerned. "I sympathize with my peers around the state," he says. "We're sitting pretty here right now. This has never been a liberal county. When others were expanding their general relief programs, we cut back, so now we don't have to try and take something away. The people here never had it."

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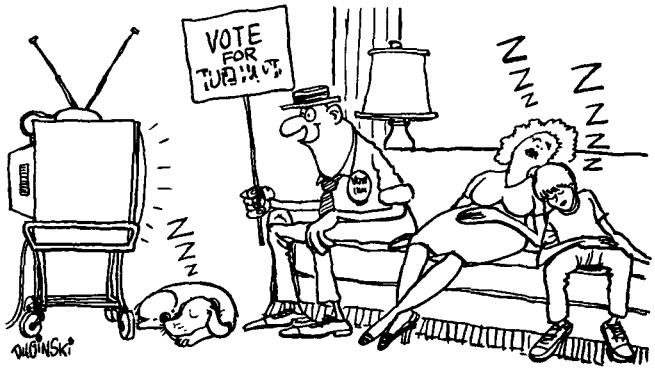
Why 'Cal Week' will bite the dust



By JIM CARNES

"California Week in Review," the one television show that reports weekly on state government affairs, is due to expire in June, having been axed by the managers of California's 12 public television stations.

Maynard Orme, manager at KTEH in San Jose and president of the station managers' group (The Association of California Public Television Stations), suggests that the deed was done in self-defense. He says the show's concentration on politics made it uninteresting to many viewers and estimates that only 300 to 400 persons watched it in his area, despite some switches of times. "Ratings don't influence us," Orme insists, "but if we don't perceive that anybody is watching, well . . ."

The show, produced at Sacramento's KVIE, began in May 1980. Except for a few monthly specials, it regularly features moderator Murray Fromson with a panel of four state Capitol reporters discussing issues of statewide concern. Although politics is always a factor in discussing government affairs, the primary focus is usually on issues. During the show's 2½-year life, it has covered everything from the quality of state Supreme Court appointees to the need for a bullet train between Los Angeles and San Diego.

Phil Samuels, "Cal Week's" producer until mid-December when he left for a new TV job in Denver, says the show has been handicapped by audience unfamiliarity with the issues it covers. According to Samuels, a reporter-panel show like "Washington Week in Review" can be successful because television news has already exposed audiences to its topics: the activities of the president, the state of the economy, and so on. "Our audience interest was not piqued," he admits.

Orme says the managers decided at an August meeting to replace "Cal Week" with a series of monthly documentaries, each to be done by an individual station. The new shows will be financed with the same monies now going to "Cal Week:" $425,000 a year in state funds from the Public Broadcasting Commission and $100,000 from the state's personalized license-plate program.

Nat Katzman, director of programming at KQED in San Francisco, says he would like to see a weekly public affairs program continue, but has sided with the station-manager majority in favor of "high-impact" specials. "And I'm saying that with sort of a sigh," Katzman adds, "because it's a response to the nature of the audience, a reflection of its perception of the expected importance of the matter. Outside of the Sacramento market, it's been our observation that interest in state politics is not consistent. It varies from week to week with the issues, and it's not fair to assume that on a weekly basis 'California Week in Review' will be consistently what is important. Objectively, these shows probably are important to the viewers' lives, but they aren't perceived that way."

Hal Bouton, station manager at KIXE in Redding, is even more critical. "It's difficult — no matter how strong the show of that type — to get people to watch in prime time," Bouton says, "and it was being aired at all kinds of strange hours." The folks in Redding, who don't get a great deal of media coverage of the capital anyway, "are more interested in events that affect them, not necessarily with what goes on in the capital," he adds. "There are people up here who don't give a diddley about Sacramento. It's important for us to try to serve their needs . . . (and I feel) there's a better chance with the specials."

As executive director of the California Public Broadcasting Commission, Joel Kugelmass participated in the meetings which led to the decision to eliminate the weekly program in favor of monthly specials. "Some people see this as the end of coverage, this dissatisfaction with the show, but it's not specifically that," Kugelmass says. "The commission feels quite strongly that one of its missions is to expand coverage of state policy activity . . . It's one thing to have that objective and quite another to figure out how to put that into a good television show."

A reporter who has appeared frequently on "Cal Week" and who likes the show, also is one of its harshest critics. "It's unfortunate," says *Sacramento Union* Capitol bureau chief Dan Walters, "that it never really fulfilled its contract to be truly a review of major events of the week . . . viewers never had a sense of immediacy. Very often the best show was left in the rehearsal room. The panel members had already talked out the subject before they went on the air.

"If a person's tuning in to this kind of show on a Friday night — giving up his sitcoms — he's the type of person who's looking for some depth," Walters adds. "People are not looking for newspaper headlines and gloss. There should be fewer topics, and it should be more analytical. It just never did the job that it should — could — have done. But it was better than nothing."

Jim Carnes writes a television column for The Sacramento Union.

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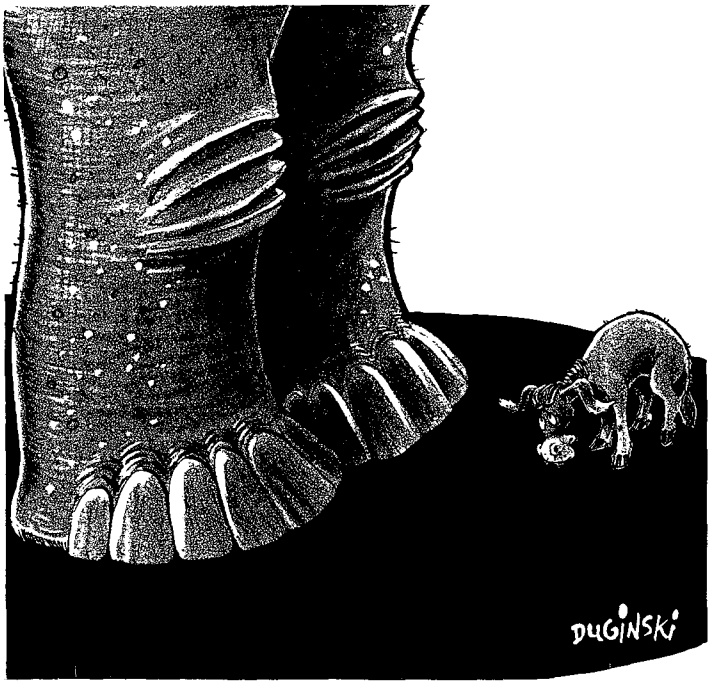
Orange County's return to its old Republican roots

By TONY QUINN



At first it was just acres of citrus groves, its towns a collection of packing houses — the kind of a place young Richard Nixon would dream about leaving. But in the years after the war, as millions of refugees trekked westward to escape the soot, snow and strife of the older cities of the East, Orange County, California, suddenly became America's great suburb.

By the time the orange groves were replaced by miles of freeways, shopping centers and backyard barbecues, Orange County had also become a harbinger of postwar American life: two dozen city-less suburbs and a population searching for roots long left behind. And Orange County also developed its own special brand of postwar politics. The Reaganite Republican Party of the Sunbelt states had its birth in Orange County.

Because it was viewed as so conservative and Republican — at least in political folklore — a sudden lurch to the Democrats in Orange County in the early 1970s was taken as a sign of the Republican Party's Watergate-era problems. Orange County was never quite as Republican as its reputation, but a string of Democratic triumphs during the '70s suggested a swing to the Democrats in suburban California. In 1976, when Republicans held only 23 of the 80 Assembly seats, half of Orange County's congressmen were Democrats. So were four of its six members of the Assembly.

It took the Democrats two decades to establish that beachhead in California's most conservative county. But it has taken them only six years to lose most of those gains. The election of 1982 shows that Orange County has returned to its Republican roots. For example:

• **In each election** since 1978, Orange County Republicans have taken back one Assembly seat from the Democrats. In November Democrat Assemblyman Chet Wray lost his rematch with Republican businesswoman Doris Allen.

• **In an upset** victory, the GOP's Ed Royce defeated favored Democrat Frank Barbaro and won a reapportioned state Senate seat which the Democrats thought they had drawn for themselves.

• **Democratic Congressman** Jerry Patterson had his closest election since going to Washington in 1974. Patterson's 1980 margin of 55 percent was cut back to 52 percent in November — making him one of the few Democratic congressional winners in the nation whose victory margin was less than two years ago.

• **Democrats in** Orange County now can claim only one Assembly seat (Richard Robinson's) and one congressional seat (Patterson's).

• **The county now** has the second highest voter registration in California, with more than 1 million registrants, and the highest Republican concentration in California: 47.6 percent. Those numbers translated into a 166,000-vote margin for Governor George Deukmejian — 114,000 more than his statewide winning edge. The county also gave a whopping 229,000-vote margin to U.S. Senator Pete Wilson. Those top-of-the-ticket triumphs could have been predicted. Mayor Tom Bradley was never popular among Orange County residents, many of whom moved there to escape Los Angeles and its problems. And the county long ago forsook Jerry Brown, although he carried it narrowly in 1978.

• **There was a surprise** in other races, however: Every statewide Democrat lost Orange County, including former Assemblyman and now state Controller Ken Cory. March Fong Eu was beaten for the first time in Orange County, by 5,000 votes. Even the weak Republican candidate for treasurer, Donald French, prevailed in Orange County. (Cory's opponent, James Flournoy, and French — both Republican blacks — won the county, although Democratic blacks Bradley and Wilson Riles lost it.)

Democratic campaigners have long held that if a Democrat is to win statewide he or she must hold Orange County losses to 100,000 votes. Neither Bradley nor Brown came close. Even Lieutenant Governor Leo McCarthy, who triumphed statewide, lost the county by slightly more than 100,000 votes. Bradley's big loss was a sure sign of his statewide troubles.

Indeed, Orange County polling should have warned the Bradley forces of election-day doom. Howard Adler, Democratic County chairman who also runs a political consulting firm, reported just before the election that his private polls showed severe Bradley slippage in Democratic parts of the county. In the Chet Wray Assembly district, which covered Democratic working-class parts of the county, a previous neck-and-neck governor's race had changed to a 16-point

Tony Quinn is the co-author of California Public Administration *and a frequent contributor to the* Journal.

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Bradley deficit in late polls.

Republican polls in the same Assembly district showed Deukmejian running well in the summer months — while he was losing elsewhere in California — and then picking up more steam in the fall. Republican Assembly campaigners advised Deukmejian he was in such good shape in Orange County that he could put his resources elsewhere. Deukmejian's decision to concentrate on rural California, where he ultimately sealed his victory, was based on the knowledge that he had the Southern California suburbs sewn up.

The Orange County Repubican tide may not continue but if it does, the Democrats will have increasing trouble winning statewide offices. The county is still growing, and Republicans have regained a big registration lead. In 1978 Democrats briefly passed Republicans in the registration race, 407,000 to 404,000. But by election day 1982, following a big GOP registration push over the summer, the Republican lead was 486,000 to 413,000.

Adler's analysis that to win statewide, Democrats must come within 100,000 votes in Orange County proved accurate in 1982, particularly in the governor's race. Deukmejian and Wilson both lost Los Angeles County and the Bay Area. To offset those Democratic strongholds, they had to win big in the Southern California suburbs, and both did. Conversely, had Bradley held Deukmejian to less than a 100,000-vote edge in Orange County, given his strong margins elsewhere, he would be governor of California today.

The first foothold

What caused the county's brief flirtation with Democratic politics? Democrats won their first foothold in 1956 with the surprise election of Richard Hanna to the county's northern Assembly seat. He went on to Congress in a newly drawn district in 1962, and throughout the 1960s the north-central Assembly district remained Democratic — though not by much.

In 1964 Orange County gave presidential candidate Barry Goldwater a 50,000-vote edge and sent right-wing darling John Schmitz to the state Senate. In 1966 Ronald Reagan carried it by nearly 3-to-1, as did the whole Republican ticket. But Democrat Ken Cory prevailed in his Assembly race by 2,000 votes and Democrat Hanna won a narrow re-election to Congress.

In the next two elections Republicans went after Cory with such fury that in 1971 he tried to reapportion himself into the famous "Corydoor" — an Assembly district with 113 angles that picked up almost every Democratic neighborhood in Orange County and a few in Los Angeles as well. But when the "Corydoor" was vetoed by Governor Reagan and Cory ran for re-election in his old district, he surprised even himself with a landslide re-election in 1972.

That was the beginning of the change. A team of young Democratic professionals, headed by Cory ally Bill Butcher and political wizard Fred Harber — and funded by the generosity of Richard O'Neill and Louis Cella — took control of county government and started shopping around for vulnerable Republican targets.

In 1974, aided by Watergate, the Democrats won a second Assembly seat and elected a second congressman in a district shared with Long Beach. But 1976 was the real banner year. Paul Carpenter easily won a newly created Senate seat to become the county's first Democratic state senator, and Democrats woke up after the election to find themselves in control of two-thirds of the county's Assembly members.

Young suburban voters, concerned about educational and environmental issues, systematically abandoned the GOP during the early 1970s. They turned most of coastal California from Republican to Democratic and swept out one GOP officeholder after another in the process. As more young families moved into Orange County, it seemed inevitable that the process would ultimately give Democrats long-term control of the county.

But then a gentleman named Howard Jarvis appeared on the scene and, with his tax-cutting Proposition 13 in 1978, rescued the California Republican Party from near-extinction. No segment of the California electorate votes more Republican today than do the 30- to 45-year-old suburbanites. Voters in their 20s find the Democratic Party's social liberalism attractive; older voters are most conscious of the Democrats' commitment to expanded social services. But many middle-aged voters feel they are paying the bills for both.

The 1978 tax revolt ran like wildfire through Orange County; Proposition 13 carried the county with 70 percent of the votes. Suddenly young suburban families found themselves siding with the Republicans. As quickly as they had embraced the Democrats in the early '70s, they now began abandoning them.

The land that was once miles of citrus groves produced a bumper Republican crop this year. If the GOP continues riding an Orange County tide in the future, the Democrats are in real trouble. But if the Democrats can make this area politically marginal once again, the rest of California may fall to them as easily as an overripe orange.

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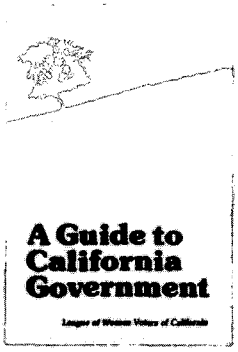

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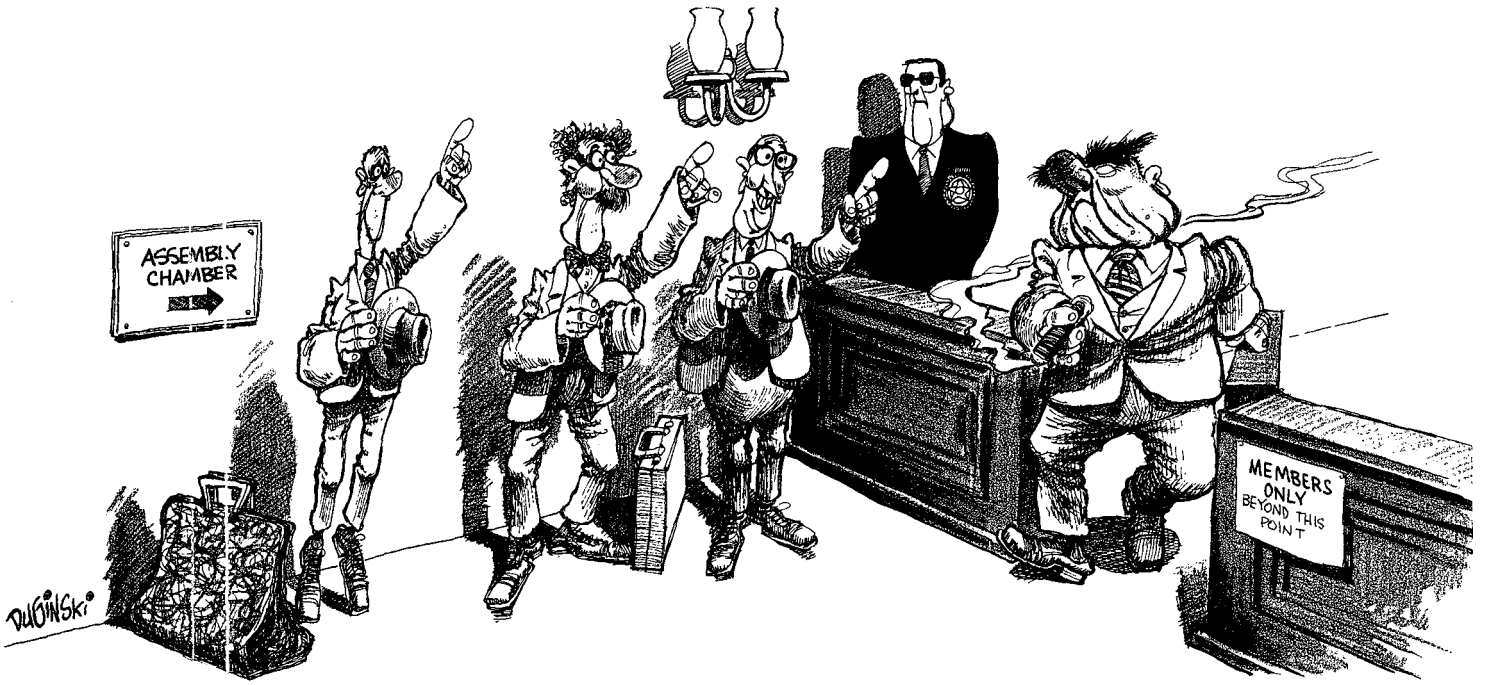
Former legislators — a special class of lobbyist



By CHARLES M. PRICE

"Old politicians never die — they just go into lobbying." That may be the public impression, but in fact there are relatively few former legislators representing interest groups in the state Capitol. Of the 700-plus lobbyists registered, only 26 (less than 4 percent) have previously served in the Legislature. While the overall number of lobbyists in Sacramento has risen steadily, the number of ex-legislator lobbyists has remained fairly constant: about 25 to 30 for the past several decades.

However, the importance of the ex-legislators far exceeds their numbers. They represent some of the most powerful interest groups in the state. Most of them serve as "hired guns," meaning contract lobbyists who often represent a dozen different clients. They are also used frequently as ace relievers, brought in from the bullpen to stave off the opposition's rally.

For example when Texas International Airlines found itself in a heated legislative battle last year, it hired three popular ex-legislators — John Knox, Bill Bagley, and Dennis Carpenter — to help represent their views at the Capitol. Texas Air wanted to take over Los Angeles-based Continental Airlines, but Continental employees had hired two of the Capitol's most influential lobbyists, Donald Kent BrOwn and Clayton Jackson, to get legislation preventing the takeover. The Continental employees' bill was killed in the Senate; Texas Air prevailed.

Charles M. Price is a professor of political science at Chico State University.

Prior to 1966, when California legislators earned only a few thousand dollars a year, many of them would serve a term or two and then quickly move into lobbying. However, in 1966 Proposition 1A was passed to allow legislators to set their own salaries (currently $28,000-plus). Gradually the enormous disparity between legislators' and lobbyists' salaries began to narrow. This "respectable" salary, along with the fringes — state-leased car, gas and telephone credit cards and per-diem expenses — helped to improve the lot of California state legislators. Since the late 1960s, only a few legislators chose to leave the Legislature to try lobbying. However, the voters made the choice for several other lawmakers; once defeated, they moved into lobbying their former associates.

Outside the gate

Most ex-legislators admit they miss the legislative "club." There is a poignant quality to the sight of former titans of the Legislature standing hat-in-hand outside the gate which divides the Assembly and Senate chambers from "outsiders." But there are some tradeoffs: "The legislator's time pressures, family strains, commuting hassles and constituent pressures can get to you," says ex-Assemblyman Dave Negri. "Besides, it's very expensive to run for office and raise the necessary campaign budget." Bob Burke, another ex-legislator lobbyist, agrees. "At least now my weekends are my own," Burke says. "For legislators, the pressure never lets up." Ex-Senator Carpenter, who lobbies for Orange County among other interests, recalls grimly, "My schedule was set a year ahead of time by my staff. I was used to being self-employed and not completely programmed."

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There are other obvious advantages: the increased income and improved job security in lobbying, compared to the uncertainties of elective duty. "I find the financial rewards and satisfaction of being a lobbyist greater than being a legislator," says former Assemblyman Frank Murphy. "I have four daughters to get through college."

Not all politicians can make a successful adjustment to quieter, less ego-boosting careers in lobbying. But those who do have some built-in pluses to offer prospective clients. Among them:

- **Access.** Ex-legislators know most lawmakers personally and have good access to them. One legislator admits that he feels guilty if he keeps a former colleague waiting long in the outer office. Former members cannot exercise any special privileges, such as access to the floor or use of members' lounges. But they show little reluctance in trading on past friendships or collegiality. "All ex-legislator lobbyists have a kind of honeymoon period when members know you as a friend and former colleague, but this lasts a relatively short time," says Murphy.
- **Job opportunities.** Obviously, lobbyists who are former legislators are popular choices among client organizations. "Legislators are sometimes asked for recommendations on who a firm or group seeking a lobbyist should hire," says lobbyist Denny Valentine. "The ex-legislator is an obvious choice." Lobbyist Jim Austin believes that, "when

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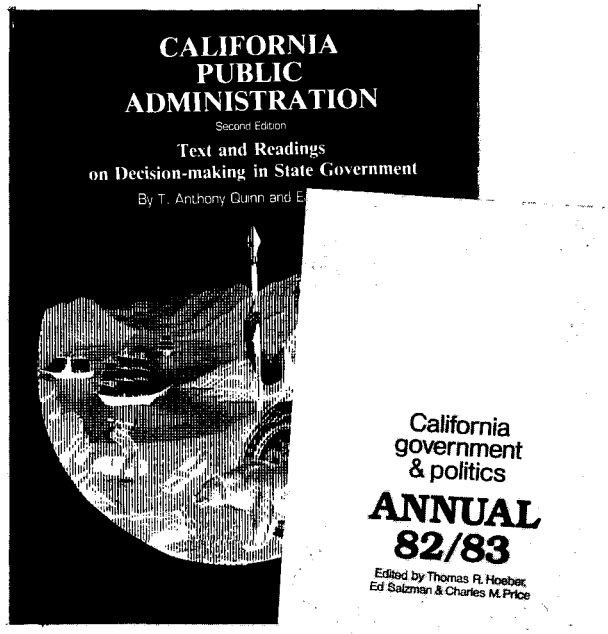

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push comes to shove, the ex-legislator lobbyist really won't mean that much in getting a bill passed or killed — but some clients are impressed." Most ex-politicians insist that their reputations were important in terms of getting started, but that their skills as lobbyists are judged as critically as those of non-politicians.

• **Knowledge of the process.** The subtleties of the legislative process are understood well by former participants. "The ex-legislator knows that legislators can't read all of the bills," says ex-Assemblyman Dave Negri. "Legislators must rely on the consultant's analysis, and it is important for the lobbyist to get his views expressed in that analysis. The ex-legislator also knows about the importance of conference committees, or that a key legislator's seatmate may be able to help you with a colleague's vote — things like that."

• **Simpatico.** Nobody is more aware of the time demands, public pressures and rigorous workloads of lawmakers than is the ex-legislator. "They (former legislator lobbyists) know how to treat legislators because they've been there themselves," says Assemblyman Stan Statham. "They know when to pick up the tab, when to offer their views, or even who precedes whom when going through a door."

But many ex-lawmakers are increasingly distressed about a universal lobbyists' complaint: the ever-escalating demands for campaign contributions from their former colleagues. Veteran lobbyist Joe Shell explains: "All these fund raisers are in Sacramento, not the district. If I would have bought two tickets to all the fund-raising dinners to which I was solicited, it would have cost me $98,000 last year. Why, some members even list on their letters the number of tickets you're supposed to buy . . . I've gone in to talk to some members, and they'll open up their desk drawer and look at their contributors' list and say, 'I don't see you or your client's name on this list. I don't think I'll be able to talk to you.'" Raising enormous sums in campaign contributions is creating spheres of influence, Shell says, and the problem is getting worse.

Turning the tables

While lawmakers-turned-lobbyists are fairly common, there have been few examples of lobbyists becoming legislators. Assemblywoman Jean Moorhead represented nurses' interests in the Capitol before her election in 1978. Assemblyman Frank Vicencia formerly represented dairy interests, and he believes that being an ex-lobbyist was a big plus. "I had a knowledge of the system, knew the members and understood how to introduce legislation," he says. "As a lobbyist I had to work with Republicans and Democrats. The ability to get along with different legislators was a great help."

Will more special-interest lobbyists follow the Vicencia lead and run for the Legislature? That seems unlikely; the public image of lobbyists is not especially high, and most of them earn more with less hassle as members of the "Third House."

Will increasing numbers of legislators voluntarily leave the Legislature to go into lobbying? In the foreseeable future, not many. Legislators have a number of upwardly mobile, public-careeer opportunities: trying for the Senate if one is in the Assembly, running for Congress or statewide office, getting appointed to a judicial position or being selected to a federal post. Lobbying is generally considered a fall-back position or safety net for legislators who are ready to try something different. They can gamble on running for higher office, even if it's a long shot, knowing the lobbyist option is always available.

Among the troops . . .

The current ranks of former lawmakers-turned-lobbyists can be divided into four general categories:

The Old Timers, those who were lobbying prior to the 1965 "one-person-one-vote" reapportionment: Kent Redwine, Gordon Garland, Leroy Lyon, Joe Shell, Paul Lunardi, Gordon Fleury and James Garibaldi.

The Class of 1966 — those who were elected to the Assembly in the year of Proposition 1A: Frank Murphy, Paul Priolo, Bob Burke, Leon Ralph, Dave Negri, Kent Stacey, Mike Cullen and John Briggs.

The '70s Recruits — those who became lobbyists after resignations or election defeats in 1974 or 1978: Craig Biddle, Joe Gonsalves, Dennis Carpenter, Bob Monagan, John Quimby and Bob Wilson.

Recent Additions — those who launched lobbying careers in 1981: Dennis Mangers, Bob Cline, John Knox and Bill Bagley.

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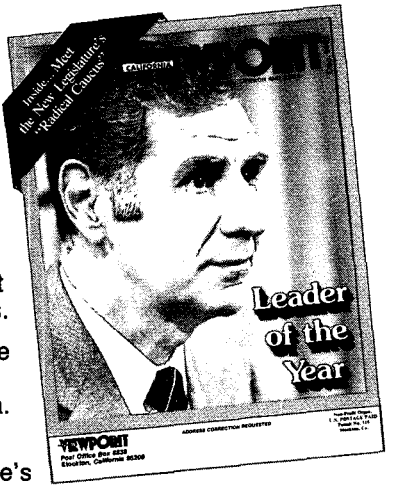

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'ARISTOTLE WITH A TOUCH OF BARNUM'

Museum of Science and Industry -

By MARTIN HILL

Don't let the monicker "museum" fool you. There are no dusty archives here. True, the California State Museum of Science and Industry in Los Angeles' Exposition Park is one of the country's premier technological showcases. But more than that, it's a place where learning can be fun.

Push a button, pull a lever, and the miracles of modern technology swirl around, alive with flashing lights and spinning graphics. In fact, the place looks more like the neighborhood game arcade than a museum. No wonder it's described as "Aristotle with a touch of Barnum."

Behind the "gee-whiz" exhibits lie two less visible elements of the museum's unusual character:

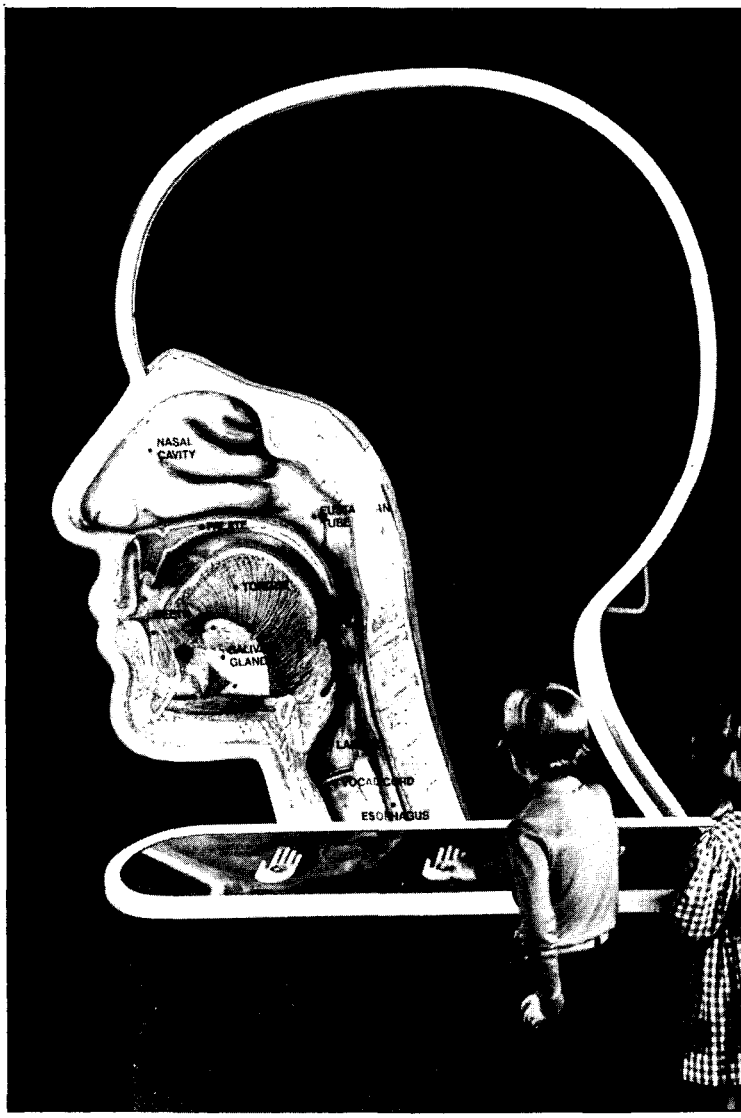
- **It is a state agency** and thus finds itself inevitably emnmeshed in partisan politics. Membership on the nine-member board of directors is highly prized, and the governor who makes the appointments knows he is dispensing political plums.
- **The museum is also** dependent upon the "big business" entities which supply most of the permanent exhibits. In exchange for footing the bill for the elaborate displays, the sponsoring corporations are granted fairly free rein to "tell their stories" from their own points of view.

What started in the 1880s as a simple agricultural fairground is now the largest science museum in the western United States, with a staff of 109. More than 3 million visitors, including at least 200,000 school children, pass through the museum's toll-free doors each year to see its 30 permanent and 40 to 50 temporary exhibits. The displays deal with such diverse fields as energy, natural resources, mechanical sciences, biology and health, and space exploration. Soon to be added is the world's first museum of finance and economics.

Ready for the Olympics

With the 1984 Olympic Games scheduled to take place literally across the street in the Los Angeles Coliseum, museum officials pushed for and got a special one-time allocation of $11 million from the Legislature last summer. Four new facilities are planned, all of them to be completed before the Olympics begin. They include a Hall of Aerospace Science ($4 million), a Museum of Afro-American History and Culture ($3 million) and a $4 million multicultural facility to be operated by the state Department of Parks. Already under way is construction of the $6 million Hall of Economics and Finance, designed to explain the American free-enterprise system and financed entirely by private donations. Museum staff members predict more than 300,000 visitors daily during the Olympic season.

The Legislature's allocation is intended to provide seed money for the ambitious expansion program. The California Museum Foundation, a non-profit support arm, is expected to collect four private-sector dollars for every state dollar. Those private funds will pay for exhibits, while the public allocations will cover the costs of the new buildings. Several major corporations already have promised donations for the new facilities.



But all is not bright on the museum's fiscal front. Its foundation does not provide money for operation or maintenance of the museum's growing number of buildings. And the state is providing less funding this year than last for day-to-day operations: $4.35 million for 1982-83, down from $4.37 million the previous fiscal year. Although the cutbacks have not been major, they have museum administrators worried.

Kicking in

Taking a more optimistic view is Janis Berman, board president and acting executive director until the recent appointment of Don Muchmore, savings and loan executive, as museum director. "If we prove to the Legislature that we have good programs and good people, we won't have any problems," Berman predicts. Wife of the newly elected Democratic Congressman Howard Berman, she heads a board whose nine members all have

Martin Hill is a free-lance writer and photographer in Los Angeles.

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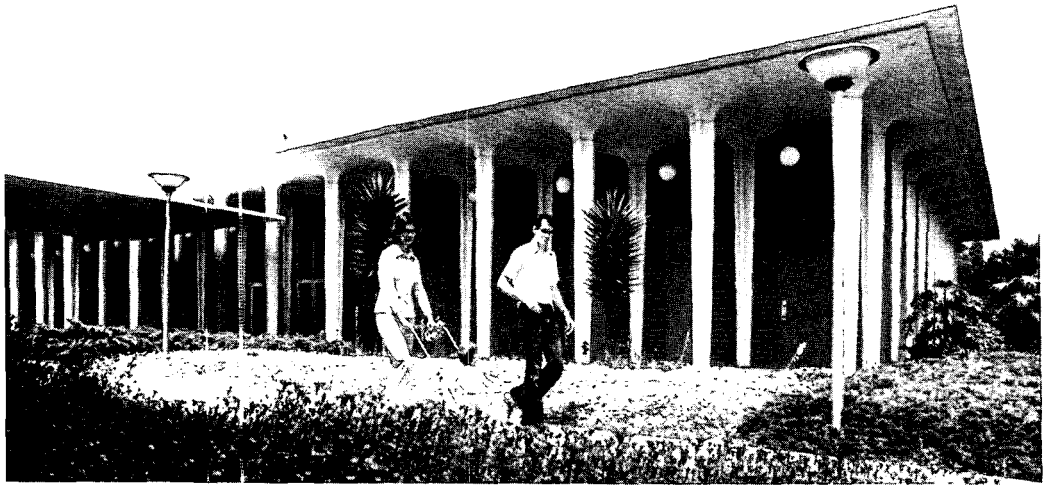

been appointed by Governor Jerry Brown.

Most of the members are — as one museum official confides — "good Democrats. They all kicked in a lot of money for his (Brown's) campaign, or something like that. Why else does someone get named to a political post?"

Two other prominent Democrats on the board are Joseph R. Cerrell of Cerrell Associates, Incorporated, known for his work as a Democratic campaign manager and fund raiser; and William R. Robertson, executive secretary and treasurer of the Los Angeles County Federation of Labor, AFL-CIO. Yet also on the board is Republican Senator William Campbell, who Berman says is "very dedicated to our vision. We put all that (partisanship) aside and work toward our common issue," she says.

To achieve its educational aims, the museum relies heavily on support from corporations. The permanent exhibits are donated by such big-business entities as IBM, Southern California Gas, Southern California Edison, Pacific Telephone and General Motors. When designing, building, installing and maintaining the displays, the corporate messages are rarely neglected. Sometimes those messages are a bit one-sided: One exhibit promotes nuclear energy with no mention of the dangers involved in atomic power. "It (donation of exhibits) is largely self-serving," admits Bud Hopps, the museum's public relations director. "But they're educational too, so it's a two-way street."

If operating costs continue to climb and state support does not, would museum administrators resort to charging admission? They hope not. Sam Cogan, business manager, feels admission fees would not be a big revenue-producer because of the difficulty and cost in policing the museum's multiple entrances and exits. He also predicts an admission charge would probably result in a two-thirds attendance drop. "Right now," he said, "with inflation and the recession, this is one of the few places people can afford to come to."

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WAITING FOR GUIDANCE FROM LEGISLATORS OR COURT

How trial judges are coping with the 'Victims' Bill of Rights'

By RICHARD THOMSON

Like sea captains in a dense fog, California's criminal court judges are proceeding these days without knowing exactly where they are. The fog descended last June, when voters approved Proposition 8, the Victims' Bill of Rights. Thanks to some vagaries in the measure itself and some judicial unwillingness to drop old rules, the courts have developed unique ways of getting along.

Before the primary election, Proposition 8 supporters promised that its passage would dramatically alter criminal procedure for the benefit of the prosecution. Opponents claimed that it was so badly drafted that it would throw the courts into confusion and bring the system to a halt. But neither has occurred. Cases continue to be handled and the courts remain afloat, waiting for instructive words from the Legislature or the state Supreme Court to clear away the mist.

According to an informal survey, this is how it's being done:

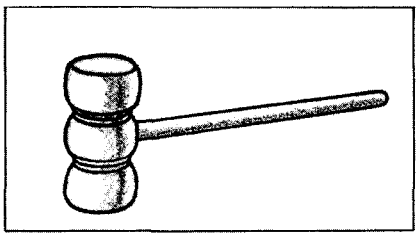
• **Which evidence to admit** — Proposition 8 flatly states that relevant evidence shall not be excluded in any criminal proceeding. In the only significant exception to this rule, the proposition continues to permit a court to exclude relevant evidence that is likely to create undue prejudice or mislead the jury.

The purpose of this provision is to repeal certain California Supreme Court decisions setting limits on police searches. But in one of the drafting vagaries that mark Proposition 8, it also repeals almost all of the statutory provisions relating to admission of evidence in criminal cases. Gone, for example, are the prohibition against questioning a rape victim about her address and telephone number in open court, restrictions on the use of expert witnesses, and all limitations on the type of evidence that may be used to attack the credibility of a witness.

The courts' reaction to this portion of Proposition 8 has been to ignore it whenever possible, and it has been possible practically in every case. Many prosecutors and defense attorneys agree to use the pre-Proposition 8 rules, if only for the sake of having definite rules to play by. Where there is no such agreement, judges are using that general authority to exclude prejudicial evidence as a way of imposing every word and comma of those pre-Proposition 8 rules.

The judges are looking to the Legislature to restore the Evidence Code in criminal cases.

• **Which prior convictions to accept** — Before Proposition 8, the California Supreme Court had held that when the prosecution wished to introduce evidence of a prior felony



conviction for the purposes of attacking the credibility of the defendant, the judge could exclude the evidence if he found it to be unduly prejudicial. Proposition 8, in order to repeal that decision, amended the constitution to state that any prior felony conviction shall be used "without limitation" for the purpose of attacking the credibility of a witness.

There is no uniformity in the way the courts are handling this provision. Some judges are following the letter of Proposition 8 and are accepting proof of any prior conviction, whatever its nature. Other, more cautious judges are continuing to exclude proof of some prior convictions as they did before Proposition 8, citing the "inherent authority of a trial judge."

One can read every word of the constitution and statutes of the state of California without finding a single mention of the inherent authority of a trial judge. Yet these courts are not being challenged by the district attorneys. No one is quite sure how constitutional this particular Proposition 8 provision is, and neither judge nor prosecutor is willing to make a serious case vulnerable to reversal on appeal simply for the sake of experimenting with the use of prior convictions.

The judges are looking to the Supreme Court to tell them what this part of Proposition 8 really means.

• **Which plea bargains to approve** — Most felony cases are resolved by a plea bargain: The defendant agrees to plead guilty and the judge and prosecutor agree that he will not receive more than a specified sentence. The advantages of a plea bargain are that the defendant is guaranteed punishment and the courts are saved the time and expense of a trial. The disadvantage in some cases is that the defendant is given a lighter punishment than he might otherwise have received.

Proposition 8 prohibits plea bargaining in the Superior Court whenever the defendant is charged with a serious felony. The intent is to prevent lighter penalties for these defendants, but the drafting is such as to permit plea bargaining even in serious felony cases at the municipal court level where all felony cases are first processed.

There are major differences in the way the courts are handling plea bargaining. Some judges are approving plea bargains as if Proposition 8 did not exist, and they are abetted in this by the prosecution and defense attorneys who have an equal interest in seeing that the work of the court is done quickly and efficiently. Other judges have squeezed from the Proposition 8 language an interpretation permitting them to indulge in some plea bargaining under certain circumstances. A third group is attempting to follow the letter and spirit of Proposition 8 by forbidding any plea bargains in their own courts and refusing to ratify any bargains made in the municipal courts.

Alameda County is choosing a fourth way, a way that most courts will likely follow in another year. Alameda County judges and prosecutors are trying to settle as many cases as possible at the municipal court level before the Proposition 8 restrictions apply. This is completely consistent with the terms of Proposition 8, even if it is not exactly what the drafters had in mind.

Obviously, judges have been adjusting to Proposition 8, but each judge has had to react as an individual, interpreting the effects of Proposition 8 as he or she understands its language and a judge's duties.

Richard Thomson is chief counsel to the Senate Judiciary Committee.

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Perspective from
WASHINGTON
By Leo Rennert

An American original

Canadian-born, of Japanese ancentry, Samuel Ichiye Hayakawa leaves the U.S. Senate as an unrepenting celebrant of the American dream. In an age of assertive minorities and racial politics, he held fast to the view that America can survive only as a melting pot.

HE ANTAGONIZED JAPANESE-AMERICANS by arguing that wartime internment had a positive side because it ended their ethnic isolation and forced them into the mainstream. He infuriated Mexican-Americans by attacking bilingual programs and pushing a constitutional amendment to make English the official language of the United States. Cultural separatism, in his view, was a cardinal sin. Looking at his own academic laurels as an internationally renowned semanticist, he saw no reason why others couldn't follow a Horatio Alger path to success — without waiting for a government handout. While society celebrated the youth culture, he depicted middle-class youngsters as spoiled parasites — refugees from the work ethic, a drag on the economy and easy prey for intellectual charlatans.

In six years on Capitol Hill, Hayakawa racked up few legislative scores. Politically, he was so inept that his own party turned against him and coaxed him into retirement. Yet, until the end, he expounded an upbeat view of America. To political opponents and reporters who covered him, it all sounded a bit quaint, outdated, even reactionary. That didn't bother Hayakawa. Waving his tam-o-'shanter, he knew he gained admission to the Senate as a red-white-and-blue folk hero who stood up for traditional values when he battled student protesters at San Francisco State University. Even when the applause died down and the public left him, Hayakawa never wavered in his love affair with his adopted country. His exit was gentle, without regrets.

Hayakawa found it easier to leave Congress than most lame ducks. At 76, he had not become addicted to political office. In fact his Senate career was almost an afterthought. He derived as much pleasure — perhaps more — from collecting African art, writing jazz dissertations, tap-dancing, fishing and scuba diving. He liked to boast that, unlike many colleagues, he didn't get big speaking fees because he was a senator. In his case, it was the other way around. He got to the Senate because he already was a success on the lecture circuit.

From his turbulent days as president of San Francisco State, he brought with him a jaundiced view of faculty members and students that eventually infected his entire legislative outlook Back in 1968, when he silenced a protestors' sound truck by yanking the wires of its speaker system, Hayakawa did more than just assert discipline against an unruly campus crowd. As a liberal who fought for civil rights in the '30s and '40s, he was outraged by the tactics of this new breed of activists and their faculty supporters.

Hayakawa was as much a product of the '60s as the unruly forces on the other side of the generation gap. Except in his case, the turmoil produced a sharp counter-reaction and turned him into a fierce conservative. He saw student rebels as adolescent punks — an idle, subsidized elite who didn't know what it meant to work for a paycheck. His view of them was as one-sided as their view of him. The gap never closed.

In the Senate, Hayakawa came up with his own child-rearing agenda. He advocated a lesser minimum wage for teen-agers to get more young people into the work force. The former college president saw hard manual labor as a more desirable rite of passage into the adult world than an academic degree. He urged Congress to force students to go to work by taking away their food stamps. In his last year, he succeeded in denying federal scholarships and college aid to students who fail to register for the draft. It was his counter-reformation, but it also had the trappings of a nasty vendetta.

While his anti-children's crusade endeared him to many conservatives, he offended the right by voting for the Panama Canal treaties and by taking a firm pro-choice position on abortion. During the 1976 campaign, Hayakawa had a standard quip when asked if the canal should be returned to Panama. "We should keep it; we stole it fair and square," he said. Once in the Senate, however, he lined up with President Carter in the stormy battle to recognize Panama's sovereignty over the waterway. Hayakawa may be a flag waver, but he's not an isolationist. He routinely broke with conservatives by supporting foreign aid. Anti-abortion groups were poised to oppose him if he had run for re-election. "I favor the right of every woman to decide whether or not she will have an abortion," he remarked. "Since a poor woman cannot freely make that decision unless funds are available to pay for her proper medical care, I support federal funding of abortions." He couldn't understand why other conservatives couldn't frame the issue as an essentially libertarian question.

HAYAKAWA'S POLITICAL DOWNFALL, however, had little to do with his voting record. He talked a lot about making his mark as a senator, but his impact on legislation was negligible. He didn't know the first thing about building a political base in California. He had neither the skills nor the inclination to enter into deals with powerful interests. The glamorous folk-hero image faded with reports that he tended to nod off during important meetings. The turning point came in 1979 when he fell asleep at an emergency White House meeting on the California gasoline crunch, then stepped outside to suggest that long lines at filling stations could be ended by letting prices climb to $2 or more a gallon. "A lot of the poor don't need gas because they're not working," he told reporters on the White House lawn. The remark boomeranged; it was all downhill from there.

For a while, Hayakawa fought back against Republican kingmakers who didn't want him to run in 1982. As an anti-establishment maverick, he had reached the Senate without their help and he resented their maneuvers to get him out. Eventually, cut off from financial support, he saw the handwriting on the wall and bowed out. There was no bitterness. He left with good memories of the Senate. While reporters were quick to point out slips and setbacks, his colleagues never snickered about his amateurish ways. They grew fond of him — and vice versa. He was a free spirit, unmortgaged to outside interests, an oddity in the best Congress money can buy. It remains to be seen whether his successor, anointed by powerful insiders and propelled into the Senate by tons of special-interest money, will be able to match that record six years hence.

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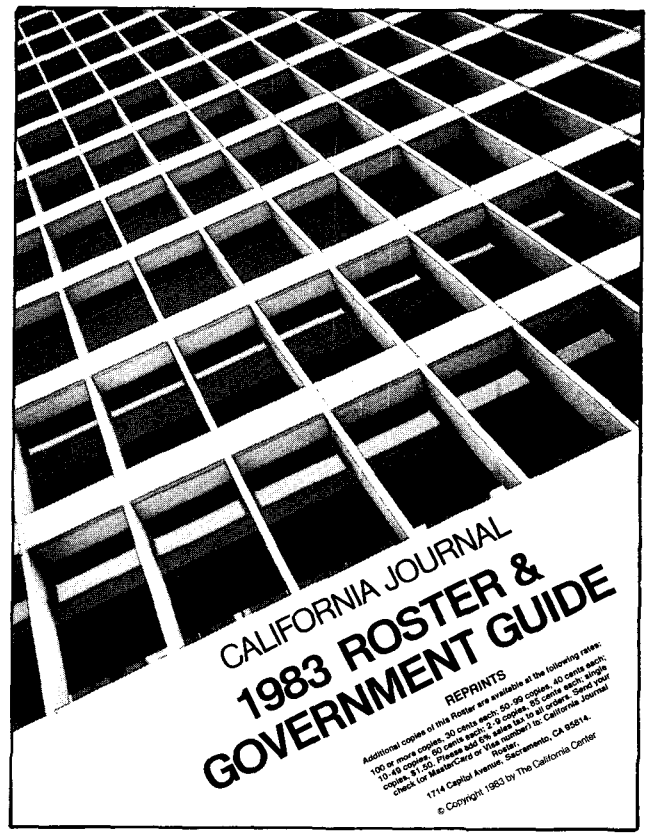
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